



# BEAC PUBLIC HEARING

## LOCAL ADOPTION OF THE LATEST CALIFORNIA BUILDING STANDARDS CODE AND UNIFORM HOUSING CODE

OCTOBER 15, 2018

PREPARED BY

LBD DEVELOPMENT SERVICES



SUSTAINABLE  
LONG BEACH



**PROPOSED AMENDMENT:**

Section 18.05.070.B of the Long Beach Municipal Code is amended to read as follows:

- B. Inspection of construction documents. The copy of the approved construction documents maintained by the Building Official as provided by Subsection 18.05.070.A may be available for inspection only on the premises of the Building Official.

~~EXCEPTION: Construction documents for banks, other financial institutions or public utilities that are maintained by the Building Official may not be inspected without written permission from the owner of the building.~~

**RATIONALE:**

Administrative changes to remove the exception for banks and other financial institutions or public utilities.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes administrative changes to clarify when construction documents are maintained on the premises as required by the Long Beach Municipal Code.

**PROPOSED AMENDMENT:**

Chapter 18.77 is added to the Long Beach Municipal Code to read as follows:

**CHAPTER 18.77**  
**EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOF SOLAR ENERGY SYSTEMS**

18.77.010 - General.

- A. Purpose. The purpose of this Chapter is to promote and encourage the installation and use of small residential rooftop solar energy systems by limiting obstacles to their use and minimizing the permitting costs of such system. Consistent with Subdivision (a) of Section 65850.5 of the California Government Code, this Chapter creates an expedited permitting process for small residential rooftop solar energy systems.
- B. Permits required. Small residential rooftop solar energy systems shall not be installed or used without first having obtained a permit as required by Section 18.04.010.
- C. Submittal documents. Submittal documents shall be governed by Chapter 18.05, except as provided in Section 18.77.030.
- D. Fee. Fees for small residential rooftop solar energy systems shall be governed by Subsections 18.06.010.A or 18.06.020.A in accordance with Section 66015 of the California Government Code.
- E. Inspection. Inspections shall be governed by Chapter 18.07, except as provided in Section 18.77.040.
- F. Effective date. This Chapter shall apply to projects for small residential rooftop solar energy systems submitted on or after September 30, 2015.

18.77.020 - Definitions.

Unless otherwise expressly stated, the following words and terms shall for the purpose of this Chapter have the meanings shown in this Section. Where the words or terms are not defined in this Section, Chapter 18.02 shall apply.

"Electronic submittal" means the utilization of one or more of the following:

- 1. E-mail;
- 2. Internet; or
- 3. Facsimile.

"Small residential rooftop solar energy system" means all of the following:

- 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- 2. A solar energy system that conforms to an applicable fire, structural, electrical, and other building codes as adopted or amended in Chapters 18.40 thru 18.50 and Paragraph (iii) of Subdivision (c) of Section 714 of the California Civil Code;
- 3. A solar energy system that is installed on a single or two-family dwelling; and
- 4. A solar panel or module array that does not exceed the maximum legal building height as defined by Title 21 of the Long Beach Municipal Code;

"Solar energy system" has the same meaning as set forth in Paragraphs (1) and (2) of Subdivision (a) of Section 801.5 of the California Civil Code.

18.77.030 – Permit application and submittal.

- A. Application for permit. An application for a permit shall be governed by Section 18.04.030.
- B. Submittal. Application for a permit and supporting documents may be submitted to the Building Official in person, by mail, or by electronic submittal together with all required fees.
- C. Electronic signature. The Building Official is authorized to accept an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant.
- D. Action on application. An application for a permit and supporting documents that satisfies the information requirements in the checklist and standard plan, as determined by the Building Official, shall be deemed complete.

Upon confirmation by the Building Official of the application for a permit and supporting documents being complete and meeting the requirements of the checklist and standard plan, and consistent with this Chapter, the Building Official shall administratively approve the application for a permit and support documents and issue the required permit.

Upon receipt of an incomplete application for a permit or supporting documents, the Building Official shall issue a written correction notice detailing all deficiencies in the application for a permit or supporting documents and any additional information required to be eligible for expedited permitting in this Chapter.

- E. Validity of permit. The validity of permit shall be governed by Section 18.04.050. Such permit does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

18.77.040 – Inspection.

- A. Number of inspections. Notwithstanding Chapter 18.07 to the contrary, small residential rooftop solar energy systems eligible for expedited permitting in this Chapter shall only be required to have one inspection by the Building Official and/or Fire Code Official. If a small residential rooftop solar energy system fails inspection, a subsequent inspection by the Building Official and/or Fire Code Official is authorized and shall conform to the requirements of Chapter 18.07.
- B. Consolidated Inspection. A consolidated inspection by the Building Official and Fire Code Official may be performed at their discretion.

18.77.050 – Permitting documentation.

- A. Checklist and standard plan. The Building Official is hereby authorized and directed to develop and adopt a checklist and standard plan of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited permitting in this Chapter. The checklist and standard plan shall substantially conform, as deemed necessary and appropriate by the Building Official, to the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook as adopted by the Governor's Office of Planning and Research ("Guidebook"). The Building Official is authorized to modify the checklist and standard plan found in the Guidebook due to unique climactic, geological, seismological, or topographical conditions.
- B. Other documents. The Building Official shall prepare, maintain, and update, as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of this Chapter.

C. Publicly accessible. The Building Official shall publish the checklist, standard plan, and other documents on a publicly accessible internet website, where possible, or other publicly accessible location.

**RATIONALE:**

Administrative changes to comply with Assembly Bill 2188 approved by the Governor on September 21, 2014. This bill requires the City to adopt an ordinance creating an expedited and streamlined permitting process for small residential rooftop solar energy systems, and establishing certain administrative procedures relative to the permitting process.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment is consistent with Subsection (g)(1) of Section 65850.5 of the California Government Code provides that every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of Subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**PROPOSED AMENDMENT:**

Section 18.06.010 of the Long Beach Municipal Code is amended to read as follows:

18.06.010 – Permit fees.

- A. Building permit fees. A building permit (exclusive of subtrade permits) shall be issued for each building or structure to be erected or upon which work is to be done thereunder when required pursuant to Section 18.04.010 and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the estimated total cost of the work proposed to be done, in accordance with the building permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 2700, Chapter 8, Division 2 of the California Public Resources Code, the State's Strong Motion Instrumentation Program, shall pay an additional fee as set forth in Section 2705, Chapter 8, Division 2 of the California Public Resources Code.

In addition to the above, projects regulated under Article 1-10 in Chapter 1 of Title 24, Part 1, of the California Code of Regulations, the State's Building Standards Administration Special Revolving Fund, shall pay an additional fee as set forth in Section 18931.6 of the California Health and Safety Code.

In addition to the above, projects regulated under Section 66015 of Division 1 of Title 7 of the California Government Code, shall pay fees for rooftop solar energy systems that do not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed an amount set forth in Section 66015 of the California Government Code, unless certain conditions are met.

EXCEPTION: A single combined permit may be issued for the following:

1. The construction, addition or alteration of any building or structure of a one- or two-family dwelling and related accessory building and structure, which includes all building, electrical, plumbing, heating, ventilating, and air conditioning work; or

2. The construction, addition or alteration of any sign or sign support structure, which includes all building and electrical work.

The total permit fee for the combined building permit shall be as set forth in the schedule of fees and charges established by City Council resolution.

- B. Grading permit fees. A grading permit shall be issued to each property or site upon which grading work is to be done thereunder when required pursuant to Subsection 18.04.010.B, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a grading permit fee computed on the basis of the estimated total cubic yard of work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical permit fees. An electrical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.C, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the electrical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 66015 of Division 1 of Title 7 of the California Government Code, shall pay fees for rooftop solar energy systems that do not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed an amount set forth in Section 66015 of the California Government Code, unless certain conditions are met.

NOTE: For any electrical installation for which an electrical permit is required, but for which no fee is provided in this section, the electrical permit fee shall be based on the valuation of the electrical work and determined by Subsection 18.06.010.A.

Each point at which a lamp holding device, or group of lamp holding devices, is attached shall be considered to be an electrical outlet for which a fee is provided and required, and the lamp holding device shall be considered to be an electrical fixture for which a fee is provided and required.

- D. Plumbing permit fees. A plumbing permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.D, and for each

such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the plumbing permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

NOTE: For the purpose of this subsection, a plumbing outlet to which a fixture may be attached shall be considered a plumbing fixture, and any appliance or device which connects directly or indirectly with the soil, waste or water system, or requires a trap or vent, shall be considered a plumbing fixture, and shall include water heaters, boilers and any type of water treating device.

- E. Mechanical permit fees. A mechanical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.E, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the mechanical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- F. Sign permit fees. A sign permit shall be issued for each sign or sign support structure to be erected or upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.G, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a sign permit fee computed on the basis of the estimated total cost of the work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

#### **RATIONALE:**

Administrative changes to comply with Senate Bill 1222 approved by the Governor on September 27, 2012 enacting Section 66015 of the Government Code. Section 66015 establishes the policy of the State to promote and encourage the installation and use of solar energy systems by minimizing the permitting costs of such systems. In furtherance of that objective, Section 66015 provides that permit fees for rooftop solar energy systems are not to exceed the estimated reasonable cost of providing the service for which the fee is charged, and generally cannot exceed five hundred dollars (\$500.00), unless certain findings are made.

#### **FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and

does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment is consistent with Section 66015 of the California Government Code that permit fees for rooftop solar energy systems shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, not to exceed those amounts set forth in Section 66015.

**PROPOSED AMENDMENT:**

Section 18.06.020 of the Long Beach Municipal Code is amended to read as follows:

18.06.020 – Plans examination fees.

Except where the Building Official has determined that the submittal of construction documents and other data are not required if the Building Official finds that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title, plans examination and the fees for such examination shall be required for the following:

- A. Buildings and structures plans examination fees. Except as provided in this section, the permit applicant for a building permit shall, in addition to the fee prescribed therefore and at the time of making application for such building permit, pay a plans examination fee as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee. The plans examination fee for a combined permit shall be as set forth in the schedule of fees and charges established by City Council resolution for a building permit of the same valuation.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 66015 of Division 1 of Title 7 of the California Government Code, shall pay fees for rooftop solar energy systems that do not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed an amount set forth in Section 66015 of the California Government Code, unless certain conditions are met.

EXCEPTIONS: No plans examination fee shall be required when the Building Official has determined that the submittal of construction documents and other data are not required if it is found that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title.

- B. Grading plans examination fees. The permit applicant for a grading permit shall, in addition to the fee prescribed therefore and at the time of making application for such grading permit, pay a plans

examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical plans examination fees. The permit applicant for an electrical permit shall, in addition to the fee prescribed therefore and at the time of making application for such electrical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 66015 of Division 1 of Title 7 of the California Government Code, shall pay fees for rooftop solar energy systems that do not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed an amount set forth in Section 66015 of the California Government Code, unless certain conditions are met.

- D. Plumbing plans examination fees. The permit applicant for a plumbing permit shall, in addition to the fee prescribed therefore and at the time of making application for such plumbing permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- E. Mechanical plans examination fees. The permit applicant for a mechanical permit shall, in addition to the fee prescribed therefore and at the time of making application for such mechanical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- F. Signs and sign support structures plans examination fees. The permit applicant for a sign permit shall, in addition to the fee prescribed therefore and at the time of making application for such sign permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- G. Express plans examination fees. At the request of the permit applicant, the Building Official may, at his or her discretion, provide plans examination services at other than normal working hours. An express plans examination fee, in addition to the plans examination fees charged elsewhere in this title, as set forth in the schedule of fees and charges established by City Council resolution shall be collected at the time of the request.
- H. Geologic reports review fees. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged for the review of geologic, soils engineering or geotechnical engineering reports submitted as required by State law for proposed development in seismic hazard zones, including but not limited to, fault rupture, liquefaction and landslide hazard zones or Section 18.05.030.A Item 11.

**RATIONALE:**

Administrative changes to comply with Senate Bill 1222 approved by the Governor on September 27, 2012 enacting Section 66015 of the Government Code. Section 66015 establishes the policy of the State to promote and encourage the installation and use of solar energy systems by minimizing the permitting costs of such systems. In furtherance of that objective, Section 66015 provides that permit fees for rooftop solar energy systems are not to exceed the estimated reasonable cost of providing the service for which the fee is charged, and generally cannot exceed five hundred dollars (\$500.00), unless certain findings are made.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment is consistent with Section 66015 of the California Government Code that permit fees for rooftop solar energy systems shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, not to exceed those amounts set forth in Section 66015.

**PROPOSED AMENDMENT:**

Chapter 18.22 of the Long Beach Municipal Code is amended to read as follows:

**CHAPTER ~~18.22~~18.15  
POLICE FACILITIES IMPACT FEE**

~~48.22~~18.15.010 – Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for police services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional police services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for police facilities; the construction of buildings for police services; the furnishing of buildings or facilities for police services; and the purchasing of equipment and vehicles for police services.
- E. The fees collected pursuant to this chapter shall be used to finance the police facilities and equipment identified in Subsection ~~48.22~~18.15.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new police facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the police facilities and equipment set forth in Subsection ~~48.22~~18.15.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities and equipment or portion thereof attributable to the development on which the fee is imposed.

~~48.22~~18.15.020 – Purpose.

A Police Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed police facilities and related costs necessary to accommodate such development.

~~48.22~~18.15.030 – Definitions.

For purposes of this chapter, the words and terms defined herein shall have the meanings stated, unless another meaning is plainly intended. To the extent that the words and terms utilized in this chapter are not defined herein, but are defined in Title 18 or Title 21, such words and terms shall have the meanings stated therein.

"Accessory use" is as defined in Section 21.15.060.

"Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobile home pad is received by the City.

"Calculation" means the point in time at which the City calculates the Police Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobile home pad but may occur earlier in the development approval process.

"City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.

"Collect" or "collection" means the point in time at which the Police Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobile home pad or pads, collection will occur at or on the date of construction approval is issued.

"Development" means residential and/or nonresidential development to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit for such construction, reconstruction or use. Development also includes the approval and construction of new mobile home pads in existing or new mobile home parks or sites.

"Dwelling unit" or "DU" is as defined in Section 21.15.910.

"Fee-setting resolution" means the City resolution specifying the Police Facilities Impact Fee per dwelling unit or mobile home pad for residential development and per gross floor area for nonresidential development, by type and by location. The Police Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section ~~18.22~~18.15.140 and applicable State law.

"Gross floor area" means the construction of floor area (in square feet) of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces, excluding dwelling units and parking facilities. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced, or partially fenced in areas of garden centers attached to and serving the primary structure.

"Mixed use" is as defined in Section 21.15.1760.

"Mobile home" is as defined in Section 21.15.1770.

"Nonresidential development" means a development undertaken for the purpose of constructing gross floor area that includes, but is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction.

"Parking facility" means a building or structure, or portion thereof, that provides parking spaces for vehicles; and which may include, but is not limited to, the ancillary facilities such as sidewalks, drainage area, lighting, landscaping, striping, exits and entrances, signage, waiting areas and other related areas or uses as determined by the Director.

"Police Department" means the Police Department of the City of Long Beach.

"Principal use" is as defined in Section 21.15.2170.

"Residential development" means a development undertaken for the purpose of (i) constructing a dwelling unit or units or (ii) the alteration or change of use of an existing building or structure that results in new dwelling unit or units and involving the issuance of a building permit for such construction, reconstruction or use, or the construction approval for a mobile home pad or pads.

48-2218.15.040 – Fund established.

A Police Facilities Impact Fee fund is established. The Police Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of police facilities and equipment related to residential and nonresidential developments as described in this chapter.

48-2218.15.050 – Police Facilities Impact Fee.

There is imposed a Police Facilities Impact Fee on all residential and nonresidential developments as those terms are defined in this chapter.

48-2218.15.060 – Fee imposed.

- A. Any person who, after the effective date of this chapter, seeks to engage in residential or nonresidential developments, including mobile home as defined in this chapter, by obtaining a building permit, or construction approval for a mobile home pad or pads, is required to pay a Police Facilities Impact Fee in the manner and amount as set forth in the fee-setting resolution. The Police Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection 48-2218.15.060.A shall be issued unless and until the Police Facilities Impact Fee required by this chapter has been paid to the City.

48-2218.15.070 – Calculation of Police Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due as a condition precedent to the issuance, and at any time prior to, the building permit or construction approval for a mobile home pad or pads based upon the applicable impact fee rate as specified in the fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due by:
  1. Determining the number and type of dwelling units in a residential development or mobile home pads in a mobile home park or site, and multiplying the same by the Police Facilities Impact Fee amount as established by the fee-setting resolution per dwelling unit or pad-
  2. Determining the gross floor area, type of use and location in a nonresidential development, and multiplying the same by the Police Facilities Impact Fee amount as established by the fee-setting resolution per square foot.
  3. Determining the number and type of dwelling units in the residential development portion and the gross floor area, type of use and location in the nonresidential development portion of a building or structure containing mixed uses and multiplying the same by the Police Facilities Impact Fee amount as established by the fee-setting resolution for each use.
  4. Determining the gross floor area, type of use and location in a building or structure containing mixed uses that include two (2) or more principal uses in nonresidential development portion,

and multiplying the same by the Police Facilities Impact Fee amount as established by the fee-setting resolution for each use. The gross floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

~~48-2218.15.080~~ – Collection of Police Facilities Impact Fee.

- A. The City shall collect from the applicant the Police Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobile home pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Police Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

~~48-2218.15.090~~ – Use of funds.

- A. Funds collected from the Police Facilities Impact Fee shall be used to fund the costs of providing additional police services attributable to new residential and nonresidential developments including mobile home and shall include:
  - 1. The acquisition of additional property for law enforcement facilities;
  - 2. The construction of new buildings for law enforcement services;
  - 3. The furnishing of new buildings or facilities for law enforcement services;
  - 4. The purchasing of equipment and vehicles for law enforcement services;
  - 5. The funding of a master plan to identify capital facilities to serve new Police Department development; and
  - 6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Police Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection ~~48-2218.15.090.A~~.
- D. Funds may be used to provide refunds as described in Section ~~48-2218.15.100~~.

~~48-2218.15.100~~ – Refund.

- A. Any applicant who has paid a Police Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Police Facilities Impact Fee the development has been modified, pursuant to appropriate City ordinances and regulations, resulting in (i) a reduction of the number of dwelling units in a residential development or portion of a residential development in a building or structure with mixed uses, (ii) a change in the type of dwelling units, (iii) a reduction of the gross floor area in a nonresidential development or portion of a nonresidential development in a building or structure with mixed uses, or (iv) the applicability of an exemption pursuant to Section ~~48-2218.15.110~~. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48. In no event shall a refund exceed the amount of the Police Facilities Impact Fee actually paid.

- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five years from the date the Police Facilities Impact Fee was paid shall, upon application of the current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five-year period.

18-2218.15.110 – Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of building permit issuance or mobile home construction approval. The following uses and types of development specified in this section are exempted from the payment of the Police Facilities Impact Fee:

- 1. Nonresidential development.

- a. Construction of a nonresidential building or structure or an addition to an existing nonresidential building or structure of three thousand (3,000) square feet or less of gross floor area.
- b. Parking facilities.
- c. Hospitals as that term is defined in Section 21.15.1370.

- 2. Residential development. The exemption provided herein shall not apply to residential tract development, residential development of more than one (1) unit per lot, or to the replacement of a single-family dwelling with more than one (1) dwelling unit.

- a. Construction, replacement or rebuilding of (i) a single-family dwelling (one unit per lot) on an existing lot of record.
- b. Replacement of one (1) mobile home with another on the same pad.
- c. Legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D.
- d. Moving and relocation of a single-family home from one (1) lot within the City to another lot within the City.
- e. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for lower and very low-income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to lower and very low-income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Neighborhood Services Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying

income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Police Facilities Impact Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable.

- f. The installation of a replacement mobile home on a lot or other such site when a Police Facilities Impact Fee for such mobile home site has previously been paid pursuant to this chapter, or where a mobile home legally existed on such site on or prior to the effective date of the ordinance codified in this chapter.
3. Other construction work. Where no additional dwelling unit or units and/or no gross floor area is added, the following construction work is exempt:
    - a. The alteration, remodeling, rehabilitation, or other improvements or modifications to existing buildings or structures.
    - b. The rebuilding of existing buildings or structures destroyed by fire, flood, earthquake or other acts of God.
    - c. The rehabilitation or replacement of existing buildings or structures in order to comply with City mandated seismic safety requirements.
    - d. The rehabilitation or replacement of existing buildings or structures destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance; provided however that such destruction was not caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
  - B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

48-2218.15.120 – Appeals.

- A. An applicant may appeal, by protest, any imposition of the Police Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Police Facilities Impact Fee shall meet all of the following requirements:
  1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
  2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
    - c. The name and address of the applicant;

- d. The name and address of the property owner;
  - e. A description and location of the property;
  - f. The number of residential units or nonresidential gross floor area proposed, by land use or dwelling unit type, as appropriate; and
  - g. The date of issuance of the building permit.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Police Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Police Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Police Facilities Impact Fee calculated to be due, the application for the building permit or mobile home construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Police Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section ~~48-2218.15.130~~.

~~48-2218.15.130~~ – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Police Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section ~~48-2218.15.120~~ hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Police Facilities Impact Fee upon the development.

~~48-2218.15.140~~ – Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Police Chief shall evaluate progress in implementation of the Police Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:
  - 1. The police facilities and equipment commenced, purchased or completed utilizing monies from the Police Facilities Impact Fee fund;
  - 2. The amount of the fees collected and the interest earned;
  - 3. The amount of Police Facilities Impact Fees in the fund; and

4. Recommended changes to the Police Facilities Impact Fee, including, but not necessarily limited to, changes in the Police Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Police Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Police Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter or the fee-setting resolution establishing Police Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

48.2218.15.150 – Effect of Police Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

48.2218.15.160 – Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

48.2218.15.170 – Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

**RATIONALE:**

Administrative changes to renumber Chapter 18.22 Police Facilities Impact Fee to Chapter 18.15 to align with other Development Impact Fees in sequential order.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes administrative changes to the chapter numbering to align with other Development Impact Fees in sequential order.

**PROPOSED AMENDMENT:**

Chapter 18.23 of the Long Beach Municipal Code is amended to read as follows:

**CHAPTER ~~18.23~~18.16  
FIRE FACILITIES IMPACT FEE**

~~48.23~~18.16.010 – Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for fire services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional fire services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for fire facilities; the construction of buildings for fire services; the furnishing of buildings or facilities for fire services; and the purchasing of equipment, apparatus, and vehicles for fire services.
- E. The fees collected pursuant to this chapter shall be used to finance the fire facilities, equipment, and apparatus identified in Subsection ~~48.23~~18.16.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new fire facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the fire facilities, apparatus and equipment set forth in Subsection ~~48.23~~18.16.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities, apparatus and equipment or portion thereof attributable to the development on which the fee is imposed.

~~48.23~~18.16.020 – Purpose.

A Fire Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed fire facilities and related costs necessary to accommodate such development.

~~48.23~~18.16.030 – Definitions.

For purposes of this chapter, the words and terms defined herein shall have the meanings stated, unless another meaning is plainly intended. To the extent that the words and terms utilized in this chapter are not defined herein, but are defined in Title 18 or Title 21, such words and terms shall have the meanings stated therein.

"Accessory use" is as defined in Section 21.15.060.

"Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobile home pad is received by the City.

"Calculation" means the point in time at which the City calculates the Fire Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobile home pad but may occur earlier in the development approval process.

"City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.

"Collect" or "collection" means the point in time at which the Fire Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobile home pad or pads, collection will occur at or on the date of construction approval is issued.

"Development" means residential and/or nonresidential development to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit for such construction, reconstruction or use. Development also includes the approval and construction of new mobile home pads in existing or new mobile home parks or sites.

"Dwelling unit" or "DU" is as defined in Section 21.15.910.

"Fee-setting resolution" means and refers to the City resolution specifying the Fire Facilities Impact Fee per dwelling unit or mobile home pad for residential development and per gross floor area for nonresidential development, by type and by location. The Fire Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section ~~18.23~~18.16.140 and applicable State law.

"Fire Department" means the Fire Department of the City of Long Beach.

"Gross floor area" means the construction of floor area (in square feet) of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces, excluding dwelling units and parking facilities. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced or partially fenced in areas of garden centers attached to and serving the primary structure.

"Mixed use" is as defined in Section 21.15.1760.

"Mobile home" is as defined in Section 21.15.1770.

"Nonresidential development" means a development undertaken for the purpose of constructing gross floor area that includes, but is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction.

"Parking facility" means a building or structure, or portion thereof, that provides parking spaces for vehicles; and which may include, but is not limited to, the ancillary facilities such as sidewalks, drainage area, lighting, landscaping, striping, exits and entrances, signage, waiting areas and other related areas or uses as determined by the Director.

"Principal use" is as defined in Section 21.15.2170.

"Residential development" means a development undertaken for the purpose of (i) constructing a dwelling unit or units or (ii) the alteration or change of use of an existing building or structure that results in new dwelling unit or units and involving the issuance of a building permit for such construction, reconstruction or use, or the construction approval for a mobile home pad or pads.

~~48.23~~18.16.040 – Fund established.

A Fire Facilities Impact Fee fund is established. The Fire Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of fire facilities, apparatus and equipment related to residential and nonresidential developments as described in this chapter.

~~48.23~~18.16.050 – Fire Facilities Impact Fee.

There is imposed a Fire Facilities Impact Fee on all residential and nonresidential development as those terms are defined in this chapter.

~~48.23~~18.16.060 – Fee imposed.

- A. Any person who, after the effective date of the ordinance codified in this chapter, seeks to engage in residential or nonresidential developments, including mobile home as defined in this chapter, by obtaining a building permit, or construction approval for a mobile home pad or pads, is required to pay a Fire Facilities Impact Fee in the manner and amount as set forth in the fee-setting resolution. The Fire Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in subsection A of this section shall be issued unless and until the Fire Facilities Impact Fee required by this chapter has been paid to the City.

~~48.23~~18.16.070 – Calculation of Fire Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due as a condition precedent to the issuance, and at any time prior to, the building permit or construction approval for a mobile home pad or pads based upon the applicable impact fee rate as specified in the fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due by:
  1. Determining the number and type of dwelling units in a residential development, or mobile home pads in a mobile home park or site, and multiplying the same by the Fire Facilities Impact Fee amount as established by the fee-setting resolution per dwelling unit or pad.
  2. Determining the gross floor area, type of use and location in a nonresidential development, and multiplying the same by the Fire Facilities Impact Fee amount as established by the fee-setting resolution per square feet.
  3. Determining the number and type of dwelling units in the residential development portion and the gross floor area, type of use and location in the nonresidential development portion of a building or structure containing mixed uses and multiplying the same by the Fire Facilities Impact Fee amount as established by the fee-setting resolution for each use.
  4. Determining the gross floor area, type of use and location in a building or structure containing mixed uses that include two (2) or more principal uses in the nonresidential development

portion, and multiplying the same by the Fire Facilities Impact Fee amount as established by the fee-setting resolution for each use. The gross floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

~~48-2318.16.080~~ –Collection of Fire Facilities Impact Fee.

- A. The City shall collect from the applicant the Fire Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobile home pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Fire Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

~~48-2318.16.090~~ – Use of funds.

- A. Funds collected from the Fire Facilities Impact Fee shall be used to fund the costs of providing additional fire services attributable to new residential and nonresidential development including mobile home and shall include:
  - 1. The acquisition of additional property for Fire Department facilities;
  - 2. The construction of new buildings for Fire Department services;
  - 3. The furnishing of new buildings or facilities for Fire Department services;
  - 4. The purchasing of equipment, apparatus, and vehicles for Fire Department services;
  - 5. The funding of a master plan to identify capital facilities to serve new Fire Department development; and
  - 6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Fire Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection ~~48-2318.16.090.A~~.
- D. Funds may be used to provide refunds as described in Section ~~48-2318.16.100~~.

~~48-2318.16.100~~ – Refund.

- A. Any applicant who has paid a Fire Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Fire Facilities Impact Fee the development has been modified, pursuant to appropriate City ordinances and regulations, resulting in (i) a reduction of the number of dwelling unit(s) in a residential development or portion of a residential development in a building or structure with mixed uses, (ii) a change in the type of dwelling units, (iii) a reduction of the gross floor area in a nonresidential development or portion of a nonresidential development in a building or structure with mixed uses, or (iv) the applicability of an exemption pursuant to Section ~~48-2318.16.110~~. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48. In no event shall a refund exceed the amount of the Fire Facilities Impact Fee actually paid.

- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five years from the date the Fire Facilities Impact Fee was paid shall, upon application of the current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five-year period.

48-2318.16.110 – Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of building permit issuance or mobile home construction approval. The following uses and types of development specified in this section area exempted from the payment of the Fire Facilities Impact Fee.

1. Nonresidential development.

- a. Construction of a nonresidential building or structure or an addition to an existing nonresidential building or structure of three thousand (3,000) square feet or less of gross floor area.
- b. Parking facilities.
- c. Hospitals as that term is defined in Section 21.15.1370.

2. Residential development. The exemption provided herein shall not apply to residential tract development, residential development of more than one (1) unit per lot, or to the replacement of a single-family dwelling with more than one (1) dwelling unit.

- a. Construction, replacement or rebuilding of (i) a single-family dwelling (one unit per lot) on an existing lot of record.
- b. Replacement of one (1) mobile home with another on the same pad.
- c. Legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D.
- d. Moving and relocation of a single-family home from one (1) lot within the City to another lot within the City.
- e. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for lower and very low-income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to lower and very low-income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Neighborhood Services Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Neighborhood Services Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying

income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Neighborhood Services Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Fire Facilities Impact Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable.

- f. The installation of a replacement mobile home on a lot or other such site when a Fire Facilities Impact Fee for such mobile home site has previously been paid pursuant to this chapter, or where a mobile home legally existed on such site on or prior to the effective date of the ordinance codified in this chapter.
3. Other construction work. Where no additional dwelling unit or units and/or no gross floor area is added, the following construction work is exempt:
    - a. The alteration, remodeling, rehabilitation, or other improvements or modifications to existing buildings or structures.
    - b. The rebuilding of existing buildings or structures destroyed by fire, flood, earthquake or other acts of God.
    - c. The rehabilitation or replacement of existing buildings or structures in order to comply with City mandated seismic safety requirements.
    - d. The rehabilitation or replacement of existing buildings or structures destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance; provided however that such destruction was not caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
  - B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

~~48-2318.16.120~~ – Appeals.

- A. An applicant may appeal, by protest, any imposition of the Fire Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Fire Facilities Impact Fee shall meet all of the following requirements:
  1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
  2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
    - c. The name and address of the applicant;

- d. The name and address of the property owner;
  - e. A description and location of the property;
  - f. The number of residential units or nonresidential gross floor area proposed, by land use or dwelling unit type, as appropriate; and
  - g. The date of issuance of the building permit.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Fire Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Fire Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Fire Facilities Impact Fee calculated to be due, the application for the building permit or mobile home construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Fire Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section ~~48-2318.16.130~~ 130.

~~48-2318.16.130~~ – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Fire Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section ~~48-2318.16.120~~ hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Fire Facilities Impact Fee upon the development.

~~48-2318.16.140~~ – Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Fire Chief shall evaluate progress in implementation of the Fire Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:
  - 1. The fire facilities, apparatus, and equipment commenced, purchased or completed utilizing monies from the Fire Facilities Impact Fee fund;
  - 2. The amount of the fees collected and the interest earned;
  - 3. The amount of Fire Facilities Impact Fees in the fund; and

4. Recommended changes to the Fire Facilities Impact Fee, including, but not necessarily limited to, changes in the Fire Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Fire Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Fire Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter or the fee-setting resolution establishing Fire Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

48.2318.16.150 – Effect of Fire Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

48.2318.16.160 – Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

48.2318.16.170 – Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

**RATIONALE:**

Administrative changes to renumber Chapter 18.23 Fire Facilities Impact Fee to Chapter 18.16 to align with other Development Impact Fees in sequential order.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes administrative changes to the chapter numbering to align with other Development Impact Fees in sequential order.

**PROPOSED AMENDMENT:**

Chapter 3.90 of the Long Beach Municipal Code is amended to read as follows:

**CHAPTER 3.90  
DEVELOPMENT SERVICES PERMIT CENTER SURCHARGE**

3.90.010 – Purpose.

The purpose of this Chapter is to impose a surcharge to fund the continuous upgrade, improvement and maintenance of technology for development projects and services.

3.90.020 – Surcharge.

- A. There shall be added to each fee imposed or authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code; and Part 12.01 of the rules, regulations, and charges governing potable water, reclaimed water, sewer service, and the emergency water conservation plan adopted by the Long Beach Board of Water Commissioners, a surcharge in an amount as set forth in the Schedule of Fees and Charges established by City Council resolution of such fee.

Exception. The surcharge shall not apply to the fees or charges provided in Chapters 18.15, 18.16, 18.17, and 18.18, ~~18.19, 18.22, and 18.23~~ of this Code; and Sections 18.20.150, 21.60.650 and 21.61.070 of this Code.

- B. The City Manager is authorized to establish appropriate procedures to carry out the provisions of this Chapter.

**RATIONALE:**

Administrative changes to (1) rename the chapter to reflect the current name “Development Permit Center” and (2) renumbering of Chapter 18.22 Police Facilities Impact Fee to Chapter 18.15 and Chapter 18.23 Fire Facilities Impact Fee to Chapter 18.16 to align with other Development Impact Fees in sequential order.

**FINDINGS:**

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes administrative changes to the chapter numbering to align with other Development Impact Fees in sequential order.