

1 D. The fees established pursuant to this Chapter are derived from,
2 are based upon, and do not exceed the costs of providing additional Fire
3 services attributable to new residential or non-residential construction,
4 including: master planning to more specifically identify capital facilities to
5 serve new development; the acquisition of additional property for Fire
6 facilities; the construction of buildings for Fire services; the furnishing of
7 buildings or facilities for Fire services; and the purchasing of equipment,
8 apparatus, and vehicles for Fire services.

9 E. The fees collected pursuant to this Chapter shall be used to
10 finance the Fire facilities, equipment, and apparatus identified in
11 Subsection D.

12 F. Detailed study of the impacts of future residential and non-
13 residential construction in the City, along with an analysis of the need for
14 new Fire facilities and equipment has been prepared. This study is
15 included in the "Public Safety Impact Fee Study" for the City of Long
16 Beach dated August 18, 2006 which is incorporated herein by reference
17 as though set forth in full, word for word.

18 G. There is a reasonable relationship between the need for the
19 Fire facilities, apparatus and equipment set forth in Subsection D and the
20 impacts of the types of development for which the corresponding fee is
21 charged.

22 H. There is a reasonable relationship between the fee's use and
23 the type of development for which the fee is charged.

24 I. There is a reasonable relationship between the amount of the
25 fee and the cost of the facilities, apparatus and equipment or portion
26 thereof attributable to the development on which the fee is imposed.

27 18.23.020 Purpose.

28 A Fire Facilities Impact Fee is hereby imposed on residential and

1 non-residential development for the purpose of assuring that the impacts
2 created by said development pay its fair share of the costs required to
3 support needed Fire facilities and related costs necessary to
4 accommodate such development.

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6 18.23.030 Definitions.

7 A. "Accessory use" is as defined in Section 21.15.060 of this Code.

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

11 C. "Building permit" means the City permit required for new
12 building construction and/or additions which add square footage pursuant
13 to Title 18 of this Code. Neither a grading permit nor a foundation permit
14 shall be considered a building permit for purposes of this Chapter.

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

20 E. "City Manager" means the City Manager of the City of Long
21 Beach or other municipal officials he/she may designate to carry out the
22 administration of this Chapter.

23 F. "Collect" or "collection" means the point in time at which the
24 Fire Facilities Impact Fees are paid by the applicant. Collection will occur
25 on the date of final inspection or the date a certificate of occupancy or
26 temporary certificate of occupancy, whichever occurs first, or in the case
27 of a mobile home pad or pads, collection will occur at or on the date of
28 construction approval is issued.

1 G. "Development" means the addition of new dwelling units and/or
2 new nonresidential square footage to an undeveloped, partially developed
3 or redeveloped site and involving the issuance of a building permit and
4 certificate of occupancy for such construction, reconstruction or use.
5 Development also includes the approval and construction of new mobile
6 home pads in existing or new mobile home parks or sites but not including
7 the following so long as no additional dwelling units or gross floor area is
8 added:

- 9 1. a permit to operate,
- 10 2. a permit for the internal alteration, remodeling,
11 rehabilitation, or other improvements or modifications to an existing
12 structure,
- 13 3. the rebuilding of a structure destroyed by an act of God
14 or the rehabilitation or replacement of a building in order to comply with
15 the City's seismic safety requirements,
- 16 4. parking facilities, or
- 17 5. the rehabilitation or replacement of a building destroyed
18 by imminent public hazard, acts of terrorism, sabotage, vandalism,
19 warfare or civil disturbance except where said destruction was caused or
20 in any manner accomplished, instigated, motivated, prompted, incited,
21 induced, influenced, or participated in by any persons or their agents
22 having any interest in the real or personal property at the location.

23 H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of
24 this Code.

25 I. "Fee setting resolution" means and refers to the City resolution
26 specifying the Fire Facilities Impact Fee per dwelling unit or mobile home
27 pad for residential development and per gross square foot of floor area for
28 nonresidential development, by type and by location. The Fire Facilities

1 Impact Fee set forth in the fee-setting resolution may be revised pursuant
2 to Section 18.23.140 and applicable state law.

3 J. "Fire Department" means the Fire Department of the City of
4 Long Beach.

5 K. "Gross square feet" or "gsf" means the area of a nonresidential
6 development measured from the exterior building lines of each floor with
7 respect to enclosed spaces but excluding parking spaces whether or not
8 enclosed. For purposes of this ordinance, the term "enclosed spaces"
9 specifically includes, but is not limited to, an area available to and
10 customarily used by the general public and all areas of business
11 establishments generally accessible to the public such as fenced or
12 partially fenced in areas of garden centers attached to and serving the
13 primary structure.

14 L. "Mixed use" is as defined in Section 21.15.1760 of this Code.

15 M. "Mobile home" is as defined in Section 21.15.1770 of this Code.

16 N. "Nonresidential development" means a development
17 undertaken for the purpose of creating gross floor area, excluding dwelling
18 units, but which includes, and is not limited to, commercial, industrial,
19 retail, office, hotel/motel, and warehouse uses involving the issuance of a
20 building permit for such construction, reconstruction or use.

21 O. "Principal use" is as defined in Section 21.15. 2170 of this
22 Code.

23 P. "Residential development" means a development undertaken
24 for the purpose of creating a new dwelling unit or units and involving the
25 issuance of a building permit and certificate of occupancy for such
26 construction, reconstruction or use, or the construction approval for a
27 mobile home pad or pads.

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18.23.040 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 new residential and non-residential construction as described in this Chapter.

18.23.050 Fire Facilities Impact Fee.

There is imposed a Fire Facilities Impact Fee on all new residential and non-residential development as those terms are defined in this Chapter.

18.23.060 Fee imposed.

A. Any person who, after the effective date of this ordinance, seeks to engage in residential or non-residential development including mobile home development 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 then current fee-setting resolution. The Fire Facilities Impact fee imposed pursuant to this Chapter shall not apply to those projects for which a Planning Department application for Conceptual or Site Plan Review has been filed and deemed complete by the Department of Planning and Building 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.

1 18.23.070 Calculation of Fire Facilities Impact Fee.

2 A. The Director of Planning and Building shall calculate the
3 amount of the applicable Fire Facilities Impact Fee due as specified in the
4 then current fee-setting resolution.

5 B. The Director of Planning and Building shall calculate the
6 amount of the applicable Fire Facilities Impact Fee due by:

7 1. Determining the number and type of dwelling units in a
8 residential development, or mobile home pads in a mobile home park or
9 site, and multiplying the same by the Fire Facilities Impact Fee amount
10 per dwelling unit or pad as established by the then current fee setting
11 resolution;

12 2. Determining the gross square feet of floor area, type of
13 use and location in a nonresidential development, and multiplying the
14 same by the Fire Facilities Impact Fee amount as established by the then
15 current fee-setting resolution;

16 3. Determining the number and type of dwelling units and
17 the nonresidential number of gross square feet of floor area, type of use
18 and location, in a structure containing mixed uses which include a
19 residential use, and multiplying the same by the Fire Facilities Impact Fee
20 amount for each use as established by the then current fee-setting
21 resolution;

22 4. Determining the gross square feet of floor area, type of
23 use and location in a structure containing mixed uses which include two or
24 more nonresidential principal uses, and multiplying the same by the Fire
25 Facilities Impact Fee amount as established by the then current fee-
26 setting resolution. The gross square feet of floor area of any accessory
27 use will be charged at the same rate as the predominant principal use
28 unless the Director of Planning and Building finds that the accessory use

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is related to another principal use.

18.23.080 Payment of 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 Planning and Building, 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.

18.23.090 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 non-residential construction 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.
6. The cost of financing (e.g., interest payments) related to Items 1-5, inclusive.

