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LOS ANGELES FIRE DEPARTMENT



DOUGLAS L. BARRY
FIRE CHIEF

January 9, 2009

BOARD OF FIRE COMMISSIONERS
FILE NO. 09-004

TO: Board of Fire Commissioners

FROM: Douglas L. Barry, Fire Chief *DLB*

SUBJECT: **APPROVE AN AMENDMENT TO THE LOS ANGELES MUNICIPAL
CODE SECTION 57.10 ASBESTOS ABATEMENT TO INCREASE THE
ASBESTOS ABATEMENT PERMIT FEE**

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

Recommendations:

It is recommended that the Board:

- 1) Approve an amendment to the Los Angeles Municipal Code (L.A.M.C.), Section 57.10:
 - a) To increase the Asbestos Abatement Permit fee to be a minimum of two hours the Average Inspector's Hourly Rate, or \$300, plus 9 cents per square foot of asbestos containing material over 1,000 square feet.
 - b) To include the latest approved fees in the cost-recovery schedule updated under the provisions of L.A.M.C. Section 57.04.12 C.
- 2) Direct the Board's Executive Assistant II to publish the required notice of public hearing on the proposed fee increase at a regularly scheduled meeting of the Board.
- 3) Subject to the approval of the Board, direct the Board's Executive Assistant II to forward this report to the Mayor and City Council for consideration and approval.
- 4) Subject to the approval of the City Council and Mayor, request the City Council to instruct the City Attorney to prepare and present an ordinance within 30 days amending L.A.M.C., Section 57.10 Asbestos Abatement, to remove existing fees in L.A.M.C. Section 57.10.05 A and B, and that the latest asbestos abatement fees be

included under the most recent cost recovery fee schedule updated per the provisions of L.A.M.C. Section 57.04.12C (draft amendment attached).

Summary:

On September 20, 1992, L.A.M.C., Section 57.10 Asbestos Abatement (Ordinance Number 168176), was established to provide fire/life safety guidelines for the removal of asbestos containing materials at asbestos abatement sites. The ordinance requires any building removing 100 square feet or more of asbestos containing material to obtain an asbestos abatement permit. Single-family dwellings and residential dwelling units up to four units are exempt from the requirement.

As part of the permit approval process, Fire Inspectors perform plan review and inspection of asbestos abatement sites to enforce fire/life safety requirements. Permit fees are assessed to recover the costs of the special services.

The current permit fee for residential dwelling units (over four units) is \$50 for up to 1,000 square feet, plus two cents per square foot of asbestos containing material over 1,000 square feet. The current permit fee for all other commercial occupancies is \$50, plus four cents per square foot of asbestos containing material over 1,000 square feet. These fees were last updated in 1994.

The revenue generated from the Asbestos Abatement Program in Fiscal Year 2007 – 2008 was \$76,292.

One Fire Inspector II is dedicated to the Asbestos Abatement Program. The cost for one Fire Inspector II based on Fiscal Year 2009 – 2010 salary and the approved CAP 30 overhead costs is \$215,178.

The Average Inspector's Hourly Rate is determined based on the average cost (direct and indirect) of an Inspector I in the Bureau of Fire Prevention and Public Safety, which currently (Fiscal Year 08-09) is \$150 per hour. Based on the estimated time required to perform plan review and site inspection, it is proposed that a minimum of two hours of an Average Inspector's Hourly Rate be charged, plus 9 cents square foot for asbestos containing material over 1,000 square feet. Because the time required to inspect a residential dwelling (over four units) and a commercial occupancy is the same, and it is proposed that the 9 cents per square foot for asbestos containing material over 1,000 square feet be applicable to both residential units and commercial occupancies.

It is proposed that residential dwelling units (over four units) and all other commercial occupancies be charged a minimum of two hours the Average Inspector's Hourly Rate, or \$300, plus 9 cents per square foot of asbestos containing material over 1,000 square feet.

Table 1 compares the Current and Proposed Asbestos Abatement Permit Fees:

Table 1

Description	Current Fee	Proposed Fee
Asbestos Abatement Permit Fee (Residential Occupancies Over 4 Units)	\$50, plus 2 cents per square foot over 1,000 square feet	Minimum 2 hours the Average Inspector's Hourly Rate (\$300), plus 9 cents per square foot over 1,000 square feet
Asbestos Abatement Permit Fee (All Other Commercial Occupancies)	\$50, plus 4 cents per square foot over 1,000 square feet	Minimum 2 hours the Average Inspector's Hourly Rate (\$300), plus 9 cents per square foot over 1,000 square feet

In order for a more efficient method of updating the asbestos abatement permit fees, it is recommended that L.A.M.C. Section 57.10 A and B be amended to remove the existing fees and that the latest approved fees be included in the cost recovery schedule updated per the provisions of L.A.M.C. Section 57.04.12C.

The Office of the City Administrative Officer has reviewed and concurred with the recommendations in this report.

Conclusion:

Increasing the L.A.M.C., Section 57.10 Asbestos Abatement, permit fees to a minimum of two hours, or \$300, plus 9 cents per square foot of asbestos containing material over 1,000 square feet for residential occupancies (over four units) and commercial occupancies is necessary to allow the City to achieve full cost recovery.

Based on an implementation date of July 1, 2009, the Fiscal Year 2009 - 2010 revenue is projected to be \$224,470.

Board Report prepared by Muriel Gee, Senior Management Analyst I, Bureau of Administrative Services.

Attachment

ORDINANCE NO. _____

An ordinance amending Section 57.10.05 of the Los Angeles Municipal Code (L.A.M.C.) to remove L.A.M.C. 57.10.05 A and B, and to include the latest asbestos abatement permit fees under the most recent cost recovery schedule updated under the provisions of L.A.M.C. Section 57.04.12 C.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS

Section 1. Section 57.10.05 of the Los Angeles Municipal Code is amended to read:

SEC. 57.10.05. FEES.

(Added by Ord. No. 168,176, Eff. 9/20/92.)

Before accepting an application for any permit required by this division, the Department will collect the fees established by the most current cost-recovery schedule published as provided by Section 57.04.12C and applicable thereto. Upon payment of said fees, the Department shall cause them to be deposited with the City Treasurer.

Fees established by the procedure set forth in Section 57.04.12C of this article shall apply to permits for asbestos abatement. the following: **(Amended by Ord. No. 169,944, Eff. 8/20/94.)**

~~A. Residential occupancies shall pay a flat rate of \$50, plus two cents per square foot of ACM abated over 1,000 square feet. **(Amended by Ord. No. 169,944, Eff. 8/20/94.)**~~

~~B. All other occupancies shall pay a flat rate of \$50, plus four cents per square foot of ACM abated over 1,000 square feet. **(Amended by Ord. No. 169,944, Eff. 8/20/94.)**~~

Attachment 1

Section 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
JANET JACKSON
Deputy City Attorney

Date _____

Council File No. _____