

C-15

April 14, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the Department of Development Services to process a refund in the amount of \$34,032 to Lennar Multifamily Communities (LMC), for the Oceanaire project at 150 West Ocean Boulevard. (District 2)

DISCUSSION

On March 10, 2017, Lennar Multifamily Communities (LMC), applied for a Parks and Recreation Facilities Impact Fee (Park Fee) credit from the City. LMC is the developer of the Oceanaire project, a multifamily residential development at 150 West Ocean Boulevard. LMC requested a credit of \$498,573 for Park Fees. LMC believed it was due an offset to its costs incurred for improvements made to Victory Park, which abuts the front of the LMC development project. When the project was initially approved in November 2000, the developer was required to dedicate land and provide improvements to Victory Park in accordance with the requirements of the City's Local Coastal Program and PD-6, the Downtown Shoreline Planned Development District zone. Further, a condition of approval in accordance with the procedures set forth in the Long Beach Municipal Code (LBMC), the Director of Parks, Recreation and Marine determined that LMC was not eligible for a Park Fee credit and denied the request.

Since the request was denied, City staff have been in discussions with representatives of LMC regarding the various park requirements and the improvements made by LMC. Based on these discussions, City staff determined that the artwork placed in Victory Park was over and above the requirements of local codes and ordinances. The cost of the artwork is \$34,032 and staff recommend a refund in this amount to LMC.

In accordance with LBMC Section 3.48.040, which requires that refunds exceeding \$10,000 be approved by the City Attorney and the City Council, authorization to process the refund is requested on behalf of the applicant.

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 2, 2020 and by Budget Analysis Officer Julissa José-Murray on March 3, 2020.

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TIMING CONSIDERATIONS

City Council action is requested on April 14, 2020, to expedite processing of the refund.

FISCAL IMPACT

Granting the refund will reduce the impact fees available to the Parks, Recreation and Marine Department by \$34,032. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES



STEPHEN SCOTT
ACTING DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER