June 9, 2009

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 $137,474 to Target Corporation for the property located at 6750 Cherry Avenue. (District 9)

DISCUSSION

On January 23, 2008, Target Corporation paid Public Safety Impact Fees and School Developer Fees to develop the property located at 6750 Cherry Avenue. Of the fees paid, $137,474 was an overpayment.

The portion that was paid to Public Safety Impact Fees should not have been charged, since the project was in review prior to the inception of the Public Safety Impact Fees. After further evaluation, it was determined Target Corporation also overpaid School Developer Fees. Credit should have been given to existing square footage that was demolished, and School Developer Fees charged only on additional new square footage.

In accordance with Long Beach Municipal Code, Section 3.48.040, which requires that refunds exceeding $10,000 be approved by the City Attorney and City Council, an approval to process a refund in the amount of $137,474 is requested on behalf of the applicant.

This matter was reviewed by Assistant City Attorney Michael J. Mais on May 12, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on May 8, 2009.

TIMING CONSIDERATIONS

City Council action on this item is requested on June 9, 2009 to expedite processing of the refund.

FISCAL IMPACT

The amount of $93,096 will be refunded from the Development Impact Fees Fund (SR 180) and $44,378 will be refunded from the Development Services Fund (SR 137).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

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APPROVED:

PATRICK H. WEST
CITY MANAGER