

CITY OF LONG BEACH

C-5

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-5799 Fax: (562) 570-5072

March 4, 2014

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 \$11,251 to Dupuy Construction for the property located at 2119 Curry Street. (District 9)

DISCUSSION

Between March and August 2011, Dupuy Construction paid fees totaling \$11,251 for Plan Check and Permit Inspection requests related to a proposed medical marijuana dispensary at 2119 Curry Street. The applicant is due a refund because the City's medical marijuana ordinance was declared unconstitutional. In accordance with Long Beach Municipal Code (LBMC) Section 3.48.030, the applicant is eligible for a 100 percent refund, or \$11,251.

In accordance with LBMC, Section 3.48.040, which requires that refunds exceeding \$10,000 be approved by the City Attorney and City Council, authorization to process the refund is requested on behalf of Dupuy Construction. The Department of Development Services is in the process of refunding other requests for Plan Check and Permit Inspection applications related to other medical marijuana dispensaries in the City. City Council authorization is not required for these refunds because they do not exceed \$10,000. These refunds will also equal 100 percent of the amount paid.

This matter was reviewed by Deputy City Attorney Kendra L. Carney on February 6, 2014 and by Budget Management Officer Victoria Bell on February 12, 2014.

TIMING CONSIDERATIONS

City Council action is requested on March 4, 2014, to expedite processing of the refund.

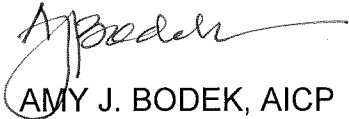
FISCAL IMPACT

The amount of \$11,251 will be refunded from revenues that were deferred in the Development Services Fund (EF 337) pending the decision on the ordinance's constitutionality. There will be no local job impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LAF:AA
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APPROVED:



PATRICK H. WEST
CITY MANAGER