



## Legislation Text

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**File #:** 14-0165, **Version:** 1

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Recommendation to authorize 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)

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.

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

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.

Approve recommendation.

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER

