



Building A Better Long Beach

Item 1

June 16, 2008

REDEVELOPMENT AGENCY BOARD MEMBERS
City of Long Beach
California

RECOMMENDATION:

Conduct a public hearing on a Resolution of Necessity to determine the public interest and necessity for acquiring and authorizing the condemnation of real property at 1900 Long Beach Boulevard, Assessor Parcel Number 7209-009-005, including land and improvements; receive testimony from staff and property owner(s) with interest in the property; and adopt a Resolution of Necessity making the findings required by law. (Central – District 6)

DISCUSSION

The Redevelopment Plan (Plan) for the Central Long Beach Redevelopment Project Area (Project Area) was adopted on March 6, 2001. The Plan's fundamental purpose is to improve the quality of life for residents and business enterprises within the Project Area. Major goals of the Plan include:

- The elimination of blighting influences and the correction of environmental deficiencies in the Project Area including buildings in which it is unsafe or unhealthy for persons to live or work; small and irregular lots; obsolete and aged building types; shifting uses or vacancies; incompatible and uneconomic land uses; substandard alleys; and inadequate or deteriorated public improvements, facilities and utilities.
- The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- The replanning, redesign, and development of portions of the Project Area which are stagnant or improperly utilized.

The proposed redevelopment actions contemplated under the Plan include the acquisition of certain real property and the assembly of adequate sites for future the development and construction of residential, commercial and/or industrial facilities.

THE CITY OF LONG BEACH REDEVELOPMENT AGENCY

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The property located at 1900 Long Beach Boulevard (Subject Property) totals approximately 6,750 square feet in land area and is located near the northeast corner of 19th Street and Long Beach Boulevard (Exhibit A – Site Map). The existing Subject Property improvements consist of a single-story, 2,082-square-foot commercial building occupied by the owner operating a business as the Azteca Bar (Exhibit B – Site Photos).

The Subject Property is located in the Long Beach Boulevard Planned Development District (PD-29), which does not allow bar/tavern uses. On June 11, 2004, and August 10, 2005, Redevelopment Agency (Agency) staff released Owner Participation Letters to the affected property owner(s) seeking development proposals for a more appropriate reuse of the development site bound by Rhea Street on the north, 19th Street on the south, Long Beach Boulevard on the west and an alley on the east. The Agency did not receive any responses to the Owner Participation Letters by the October 25, 2005 deadline.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), the acquisition of the Subject Property is categorically exempt pursuant to the Public Resources Code, Division 13, Section 15301 as the acquisition activity contemplated is not intended to expand the use beyond which currently exists. Any future development on the Subject Property will be subject to a separate environmental review process under CEQA.

Resolution of Necessity

An appraisal of the Subject Property, including land and improvements, was prepared by an independent appraiser, Lidgard and Associates, Inc., on December 4, 2007. On March 21, 2008, an offer to purchase the Subject Property at fair market value, pursuant to Government Code Section 7267.2(a), was submitted to the owner of the Subject Property. The fair market value of the Subject Property was determined to be \$675,000. The initial offer was rejected by the property owner. Negotiations have continued without success. The acquisition of the Subject Property will not be possible without the use of the Agency's power of condemnation.

Notice of the hearing on the Resolution of Necessity was mailed on May 20, 2008, by Certified Mail, return receipt requested, and by First Class Mail to the owner of record of the Subject Property as shown on the latest equalized tax rolls. Said owner was notified that if he/she wishes to appear at the hearing and be heard, he/she must file a written request to appear with the City Clerk within fifteen (15) days from the date the notice was mailed. The proposed Resolution of Necessity is attached.

The Code of Civil Procedure Section 1245.230 requires that the Resolution of Necessity be adopted after a hearing at which time the governing body of the public entity must find and determine each of the following:

1. Whether the public interest and necessity require the proposed project;

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2. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the proposed project; and
4. Whether the offer required by Government Code Section 7267.2(a) has been made to the property owner or owners of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

Recommended findings of the Redevelopment Agency as they relate to the condemnation of the Subject Property at 1900 Long Beach Boulevard, Assessor Parcel Number 7209-009-005, including land and improvements are as follows:

1. Public interest and necessity require the proposed project.

The Redevelopment Plan for the Central Long Beach Redevelopment Project Area was adopted on March 6, 2001. The goals of the Redevelopment Plan include the replanning, redesign and development of property that is stagnant or improperly utilized, correction of environmental deficiencies in the Project Area including incompatible uses and assembly of land into parcels for modern, integrated development. The proposed project involves the acquisition of the Subject Property and land assembly for future development consistent with the Plan's strategic objectives resulting in the elimination of blight and blighting influences. There have been a disproportionate amount of calls for public safety assistance and graffiti removal to the Subject Property. Acquisition of the Subject Property would also eliminate a non-conforming land use allowing for the replanning, redesign and development of the Subject Property with a proper use.

2. Whether the proposed project is planned and located in a manner that will be most compatible with the greatest public good and least private injury.

The fundamental purpose of the Redevelopment Plan is to improve the quality of life for residents and business enterprises within the Central Long Beach Redevelopment Project Area. Additionally, the owner of the Subject Property has been given a reasonable opportunity to participate in the redevelopment of the Central Long Beach Redevelopment Project Area consistent with the objectives of the Redevelopment Plan. Acquisition and assembly of the Subject Property for future development is consistent with the Plan's strategic objectives resulting in the elimination of blight and blighting influences, and effects a greater public good with minimal private injury.

3. The property sought to be acquired is necessary for the proposed project.

The acquisition of the Subject Property and land assembly for future development consistent with the Plan's strategic objectives resulting in the elimination of blight and blighting influences is the proposed project. It is in the public interest to acquire the Subject Property in order to eliminate blighting influences, assemble land into parcels suitable for modern, integrated development, and replan stagnant or improperly utilized

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parcels, consistent with the Central Long Beach Project Area Redevelopment Plan. This action will further the goals and objectives of the Redevelopment Plan for the Central Long Beach Redevelopment Project Area by allowing for future replanning, redesign and development of the Subject Property with a proper use.

4. The offer of just compensation has been made to the property owners.

The Subject Property was appraised by an independent appraiser, Lidgard and Associates, Inc., on December 4, 2007. An offer at fair market value was presented to the owner of record. The offer was rejected. Due to the refusal of the owners to accept the Agency's offer of just compensation based on the fair market value, the Subject Property cannot be acquired except by the Agency's exercise of its power of eminent domain.

SUGGESTED ACTION:

Adopt recommendation.

Respectfully submitted,



CRAIG BECK
EXECUTIVE DIRECTOR

CB:DSW:MFT:mft

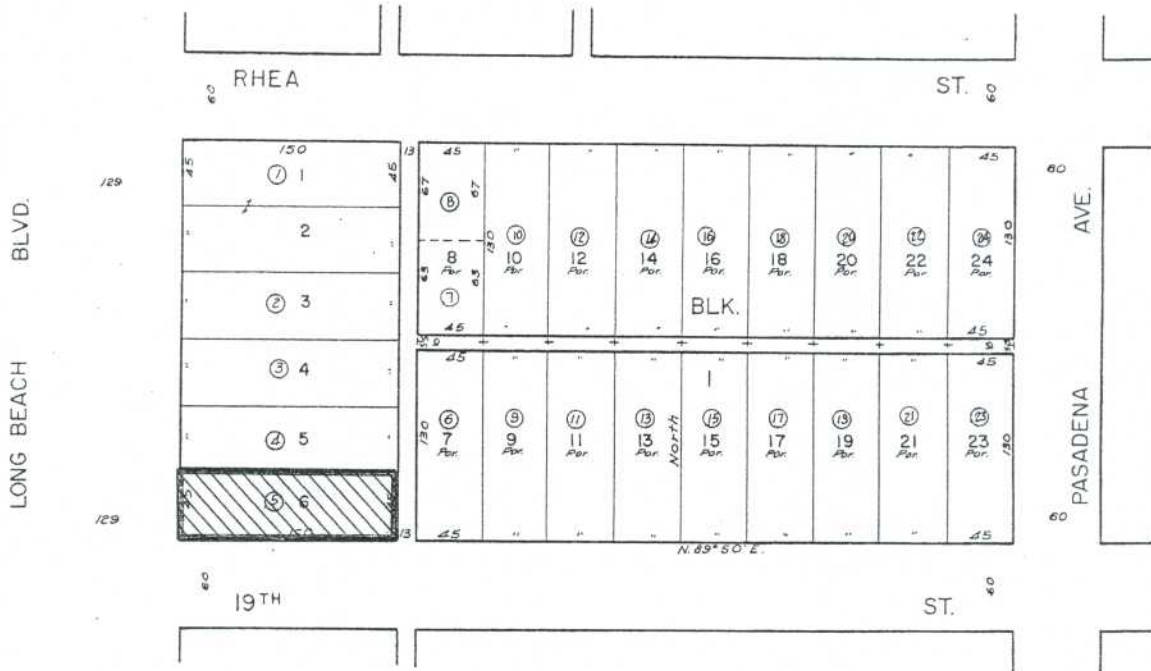
Attachments: Exhibit A – Site Map
Exhibit B – Site Photos
Redevelopment Agency Resolution

EXHIBIT "A"

Site Map for 1900 Long Beach Boulevard

7209 9
SCALE 1" = 60'

KEY: (B)



ALLEN-RHEA ADDITION
TO LONG BEACH
M.B. 2-46

CODE
5500

FOR PREV. ASSMT. SEE: 187-19

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

 1900 Long Beach Boulevard
Assessor Parcel Number 7209-009-005

EXHIBIT "B"

Site Photos for 1900 Long Beach Boulevard



RESOLUTION NO. R.A.

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST
AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY
(1900 LONG BEACH BOULEVARD) WITHIN THE
CENTRAL LONG BEACH REDEVELOPMENT PROJECT
AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach, California ("Agency"), pursuant to the provisions of the Community Redevelopment Law of the State of California, Health and Safety Code Section 33000, et seq., is engaged in redevelopment activities necessary for the execution of the Redevelopment Plan ("Redevelopment Plan") for the Central Long Beach Redevelopment Project Area ("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by eliminating blight and blighting influences and acquiring and assembling certain parcels of real property, including the real property located at 1900 Long Beach Boulevard and more particularly described as:

LOT 6 IN BLOCK 1 OF ALLEN-RHEA ADDITION TO LONG
BEACH, IN THE CITY OF LONG BEACH, COUNTY OF
LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP
RECORDED IN BOOK 2, PAGE 46 OF MAPS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

ASSESSOR PARCEL NUMBER: 7209-009-005

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, resolves as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

Section 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).

Section 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 4. The Subject Property is necessary for the proposed project.

Section 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said public purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.

Section 7. The Long Beach City Attorney's office, as the Agency's general counsel, is hereby authorized to engage special counsel to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

APPROVED AND ADOPTED by the Redevelopment Agency of the City of Long Beach, California, this _____ day of _____, 2008

Executive Director/Secretary

APPROVED:

Chair

HAM:fl
6/4/08
#A08-01597