

CITY OF LONG BEACH

R-24

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 Phone: 570.6428 Fax: 570.6205

October 7, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt the attached Resolution adopting findings in response to written objections received from property owners on the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project;

Adopt the attached Resolution approving the Negative Declaration for the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project; and

Declare the Ordinance amending Ordinance No. C-7412 and C-7912 and approving and adopting the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project read for the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 1, 3, 5, 6, 7, 8 and 9)

DISCUSSION

On September 15, 2008, the Long Beach Redevelopment Agency (Agency) held a public hearing to listen to testimony and receive comments on the adoption of the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project (Second Amendment) and the Negative Declaration prepared for the Second Amendment.

At the close of the hearing the Agency considered and adopted the following:

- Resolution of the Redevelopment Agency of the City of Long Beach approving a Negative Declaration for the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project;
- Resolution of the Redevelopment Agency of the City of Long Beach approving and adopting the Report to the City Council on the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project, and submitting said Report and Second Amendment to the City Council; and

- Resolution of the Redevelopment Agency of the City of Long Beach approving the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project.

On September 16, 2008, the City Council also held a public hearing to hear testimony and receive comments on the Second Amendment and the Negative Declaration. The Second Amendment would extend the Agency's authority to use eminent domain for another twelve years throughout the North Long Beach Redevelopment Project Area with the exclusion of the majority of Sub-Area 5, which comprises the Port of Long Beach (Port). The previous authority to acquire property by eminent domain in the North Long Beach Redevelopment Project Area expired on July 16, 2008.

As a result of the passage of Proposition 99 in June 2008, the Agency is prohibited from acquiring single-family residences that have been occupied by the owner for more than one year for the purpose of transferring that property to a private entity. In addition, as provided in Section 424 of the existing Redevelopment Plan, the Agency may issue certificates of conformance that would prohibit the Agency from acquiring property by eminent domain so long as the property is used and maintained in accordance with the Redevelopment Plan. Certificates of conformance can be issued at anytime; this includes following the adoption of the Second Amendment.

The Agency and the City Council received two letters of written objections regarding the Second Amendment from property owners in the Project Area (Exhibit A—Written Objections). Since these written objections from property owners in the Project Area were received, a response must be prepared to each objection and considered in conjunction with the Second Amendment and related actions. Responses to written objections have been prepared and are attached to the City Council resolution adopting findings in response to those written objections. With the adoption of the written responses, the City Council may continue with the other actions related to the adoption of the Second Amendment and approval of the Negative Declaration.

This letter was reviewed by Assistant City Attorney Heather A. Mahood on September 18, 2008, and by Budget Management Officer Victoria Bell on September 22, 2008.

TIMING CONSIDERATIONS

City Council action is requested on October 7, 2008, in order to renew the Agency's authority to acquire property through eminent domain as soon as possible. If the City Council adopts the Ordinance for the Second Amendment to the Redevelopment Plan, then on October 14, 2008, the City Council will consider the second reading of the Ordinance adopting the Second Amendment that will be the final action in the approval and adoption of the Second Amendment.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

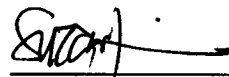



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:AJB:LAF:laf
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Attachments: Exhibit A – Letters of Written Objection
City Council Resolutions
City Council Ordinance

APPROVED:


fr  PATRICK H. WEST
CITY MANAGER

Aug 27, 2008

I Maudlyn A. Arvizo and Lupe M. Arvizo do declare we own property at 241 E. Plenty St. Long Beach Ca. . We object to the amendment proposed by the Long Beach redevelopment agency to ^{extend the ability} to acquire homes in North Long Beach by the power of eminent domain. We live in our home. We are seniors and it would be a hardship on us financially as well as emotionally.

Maudlyn A. Arvizo
Lupe M. Arvizo

562-9849244

September 10, 2008

Larry Herrera
City Clerk of Long Beach
333 W. Ocean Blvd.
Long Beach, CA 90802

RE: Opposition to Proposed Amendment for Extension of Eminent Domain
Power for Long Beach Redevelopment Agency.

Dear Mr. Herrera:

I am a long time resident of North Long Beach. I attended Long Beach schools as a child and teenager. I received training as a registered nurse at Long Beach City College and at California State University, Long Beach. I have spent most of my professional career working in Long Beach hospitals and medical centers. I have seen first hand what gangs, crime, and drugs can do to individuals, families, and communities.

While I applaud the efforts and mission of the Long Beach Redevelopment Agency in the North Long Beach Redevelopment Project, I am philosophically, morally, ethically, and economically opposed to extending eminent domain powers for twelve more years to the Redevelopment Agency. Living in a neighborhood of diverse ethnicities and cultural mores has enriched my life. Most of the individuals and families in the North Long Beach area are just trying to live their lives the best they can. They work hard, attend school, worship in their chosen places, pay their taxes, vote in elections, maintain their houses/properties and try to be good neighbors to each other. Yet the North Long Beach area is constantly besmirched as a blighted neighborhood as a whole.

By extending eminent domain powers, all residents (not just criminals, drug traffickers, gang members) are under the threat of losing their homes or having their homes devalued. If others are like me, their main financial investment and security is in their homes. I understand that eminent domain cannot be used to convey property to a private person. However, the letter that I received from the Long Beach Redevelopment Agency clearly stated "with that exception, all property in the Project Area is therefore subject to the possibility of acquisition by purchase or condemnation by the Agency....".

I worked hard to pay off my mortgage and improve my home and property. I always thought that if there was a life emergency, I could use my home as collateral or sell it for whatever the market would allow. Now, my property and others could potentially be "acquired" under the guise of eminent domain whenever any governmental agency or corporate entity desired it.

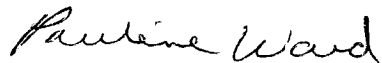
Eminent domain is wrong. I have always been opposed to eminent domain practices. I grew up in the fifties, when people were forced from their homes by the use of eminent domain to supposedly build freeways or shopping malls "for the public good". Yet, many of the acquired properties were never utilized by the cities that acquired them. The quality of life for many was ruined. Recent news has shown that not even churches are immune to the threat of eminent domain. Historically, property owners have been forced to relocate to areas not of their choosing and accept less than what the market will allow for compensation for their properties, even though they owned the property! How would the Redevelopment Agency staff, Major, and City Council feel if eminent domain was used to acquire their homes?

It does not take eminent domain to repair streets and sidewalks, to provide after-hour programs for children and youth, to enforce current building, health, and safety codes, drug trafficking laws and other gang and criminal ordinances or to encourage the participation of citizens to improve their neighborhoods. It takes all of us working together, not threatening citizens with the potential loss or devaluation of their homes. I say YES to redevelopment and improvement, but an adamant NO to the extension of eminent domain powers.

I had previously expressed my views by phone to staff members in the offices of Mayor Foster, Rae Gabelich, and Craig Beck. I recently underwent surgery and am recuperating, so I will not be attending the public hearings on September 15, 2008 and September 16, 2008 on this issue. According to the Notice of Public Hearings letter that I received, "any person may file in writing with the City Clerk of the City of Long Beach a statement of objections to the proposed Amendment." This is the intent of my letter. I was told by the Redevelopment Agency to send the letter to you. I received a message from you stating that I should send the letter to Craig Beck. Therefore, I am sending it to both of you.

I thank you, in advance, for your assistance in having my opposition to the amendment noted at the public hearings. I trust that thoughtful consideration on this issue by the Long Beach Redevelopment Agency and the City Council will result in a denial of the proposed amendment to extend eminent domain authority. I have enclosed copies of the letters that I received from the Long Beach Redevelopment Agency.

Sincerely,



Pauline Ward
258 East 52nd Street
Long Beach, CA 90805

Cc: Craig Beck, Executive Director, Long Beach Redevelopment Agency

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING A NEGATIVE
DECLARATION FOR THE SECOND AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE NORTH LONG BEACH
REDEVELOPMENT PROJECT

WHEREAS, the Redevelopment Agency of the City of Long Beach (the "Agency") has proposed a Second Amendment (the "Amendment") to the Redevelopment Plan for the North Long Beach Redevelopment Project (the "Project"), which would extend the Agency's ability to exercise eminent domain to acquire properties in the Project Area, excluding certain portions of Sub Area 5, for twelve (12) years from the date of adoption of the Amendment; and

WHEREAS, an initial study has been prepared to determine whether the proposed Amendment will have a significant effect on the environment; and

WHEREAS, based upon the results of the initial study, the Agency has prepared a Negative Declaration, which has been submitted to and has been considered by the City Council of the City of Long Beach (the "City Council") in connection with the proposed adoption by the City Council of an ordinance adopting the Amendment; and

WHEREAS, on September 15, 2008, the Agency held a public hearing on the proposed Amendment and the Negative Declaration, and the Agency adopted Resolution No. _____ approving the Negative Declaration; and

WHEREAS, on September 16, 2008, the City Council held a public hearing on the proposed Amendment and the Negative Declaration and the City Council has considered all comments and testimony received pertaining thereto;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Section 1. The City Council has reviewed and considered the information
2 contained in the Negative Declaration prepared for the proposed Second Amendment
3 and hereby approves the Negative Declaration.

4 Section 2. Based upon the initial study, the Negative Declaration and
5 comments and testimony received pertaining thereto, the City Council hereby finds and
6 determines that the proposed Amendment will not have a significant effect on the
7 environment.

8 Section 3. The City Clerk of the City of Long Beach is authorized to file a
9 Notice of Determination with the County Clerk of the County of Los Angeles following the
10 adoption by the City Council of an ordinance adopting the Amendment.

11 Section 4. This resolution shall take effect immediately upon its adoption by
12 the City Council, and the City Clerk shall certify the vote adopting this resolution.

13 I hereby certify that the foregoing resolution was adopted by the City
14 Council of the City of Long Beach at its meeting of _____, 20___ by the
15 following vote:

16
17 Ayes: Councilmembers: _____
18 _____
19 _____
20 _____

21 Noes: Councilmembers: _____
22 _____

23 Absent: Councilmembers: _____
24 _____

25
26
27 _____
28 City Clerk