

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.

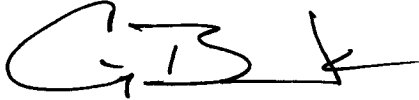
FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

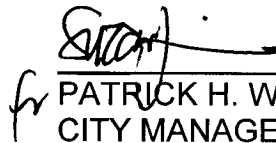


CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

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Attachments: Exhibit A – Letters of Written Objection
City Council Resolutions
City Council Ordinance

APPROVED:


PATRICK H. WEST
CITY MANAGER

- Aug 27, 2008

I Maulyan A. Avoizo and Lupe M. Avoizo
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.

-
Maulyan A. Avoizo
Lupe M. Avoizo

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.

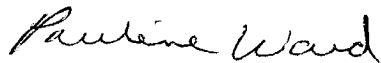
Eminent domain is wrong. I have always been opposed to eminent domain practices. I grew up in the fifties, when people were forced from their homes by the use of eminent domain to supposedly build freeways or shopping malls "for the public good". Yet, many of the acquired properties were never utilized 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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING ORDINANCE NOS. C-
7412 AND C-7912 AND APPROVING AND ADOPTING THE
SECOND AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE NORTH LONG BEACH REDEVELOPMENT
PROJECT

WHEREAS, the City Council of the City of Long Beach (the "City Council")
adopted Ordinance No. C-7412 on July 16, 1996, approving and adopting the
Redevelopment Plan (the "Redevelopment Plan") for the North Long Beach
Redevelopment Project (the "Project"); and

WHEREAS, the City Council adopted Ordinance No. C-7912 on April 6,
2004, amending the Redevelopment Plan; and

WHEREAS, the Redevelopment Agency of the City of Long Beach (the
"Agency") has been designated as the official redevelopment agency to carry out in the
City of Long Beach the functions and requirements of the Community Redevelopment
Law of the State of California (Health and Safety Code Section 33000 et seq.) and to
implement the Redevelopment Plan; and

WHEREAS, the Agency has proposed a Second Amendment to the
Redevelopment Plan for the North Long Beach Redevelopment Project (the
"Amendment") to 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, the Project Area Committee for the North Long Beach
Redevelopment Project has submitted to the Agency and City Council its
recommendation for the approval and adoption of the proposed Amendment; and

1 WHEREAS, the Planning Commission of the City of Long Beach (the
2 "Planning Commission") has reviewed the Amendment and recommended the approval
3 and adoption of the Amendment, together with its certification that the Amendment
4 conforms to the General Plan of the City of Long Beach; and

5 WHEREAS, the City Council has received from the Agency the proposed
6 Amendment, together with the Report of the Agency and the Negative Declaration related
7 thereto; and

8 WHEREAS, the City Council and the Agency duly published a notice of
9 public hearings and the Agency public hearing was held on September 15, 2008, and the
10 City Council public hearing was held on September 16, 2008, on adoption of the
11 Amendment, in the City Council Chambers, City Hall, 333 West Ocean Boulevard, Long
12 Beach, California; and

13 WHEREAS, the notice of said hearings was duly and regularly published in
14 the Long Beach Press Telegram, a newspaper of general circulation in the City of Long
15 Beach, once a week for four successive weeks prior to the date of each hearing, and a
16 copy of said notices and affidavits of publication are on file with the City Clerk and the
17 Agency; and

18 WHEREAS, copies of the notice of public hearings were mailed by first
19 class mail to the last known address of each assessee of each parcel of land in the
20 Project Area, as shown on the last equalized assessment roll of the County of Los
21 Angeles; and

22 WHEREAS, copies of the notice of public hearings were mailed by first
23 class mail to the businesses and residents within the boundaries of the Project Area; and

24 WHEREAS, copies of the notice of public hearings were mailed by certified
25 mail with return receipt requested to the governing body of each taxing agency which
26 receives taxes from property in the Project Area; and

27 WHEREAS, on September 15, 2008, by Resolution No. _____ the
28 Agency approved the Second Amendment to the Redevelopment Plan for the North Long

1 Beach Redevelopment Project; and

2 WHEREAS, the City Council has considered the Report of the Agency and
3 the reports and recommendations of the Project Area Committee and the Planning
4 Commission, the Amendment, the Negative Declaration, and provided an opportunity for
5 all persons to be heard, and has received and considered all evidence and testimony
6 presented for or against any and all aspects of the Amendment.

7
8 NOW, THEREFORE, the City council of the City of Long Beach ordains as
9 follows:

10 Section 1. The purposes and intent of the City Council with respect to the
11 Amendment are to extend the Agency's ability to exercise eminent domain to acquire
12 properties in the Project Area, excluding certain portions of Sub Area 5, for twelve (12)
13 years from the date of adoption of the Amendment, in order to eliminate and prevent the
14 spread of blight and deterioration and to promote the conservation, rehabilitation, renewal
15 and redevelopment of the Project Area to the extent permitted by law and as specified in
16 the Redevelopment Plan.

17 Section 2. The City Council hereby readopts the findings, determinations
18 and other provisions of Ordinance Nos. C-7412 and C-7912 (hereinafter the "Ordinance")
19 and does hereby specifically find and determine:

20 A. That significant blight remains within the Project Area, the
21 redevelopment of which is necessary to effectuate the public purposes
22 declared in the Community Redevelopment Law. This finding is based
23 upon the facts contained in Section III of the Agency's Report to the City
24 Council, including, without limitation, the following:

25 1. Only 6% of the properties in the Project Area have
26 been substantially improved or redeveloped since Plan adoption, and 49%
27 of the properties continue to be impacted by physical blighting conditions,
28 including, without limitation: (i) buildings in which it is unsafe and

1 unhealthy for persons to live and work; (ii) conditions that prevent or
2 substantially hinder the viable use or capacity of buildings or lots; (iii)
3 incompatible adjacent or nearby uses that have prevented the economic
4 development of portions of the Project Area; and (iv) lots that are in
5 multiple ownership and whose physical development has been impaired
6 by their irregular shape and inadequate size.

7 2. The Project Area continues to be impacted by
8 conditions of economic blight, including, without limitation: (i) depreciated
9 or stagnant property values or impaired investments, including hazardous
10 materials; (ii) abnormally low lease rates; (iii) a serious lack of necessary
11 commercial facilities that are normally found in neighborhoods; (iv)
12 residential overcrowding that has resulted in significant public health and
13 safety problems; and (v) a high crime rate that constitutes a serious threat
14 to public health and safety.

15 B. The conditions of blight identified above cannot be
16 eliminated without extending the Agency's ability to exercise eminent
17 domain. This finding is based upon the facts contained in Section III (D) of
18 the Agency's Report to the City Council, including, without limitation, the
19 prevalence of small, substandard lots held in multiple ownership, the
20 generally depressed economic character of the Project Area, and the need
21 to assemble multiple parcels to create attractive redevelopment
22 opportunities.

23 C. The elimination of blight and the redevelopment of the
24 Project Area could not be reasonably expected to be accomplished by
25 private enterprise acting alone without the aid and assistance of the
26 Agency. This finding is based upon the facts contained in Section III (C)
27 of the Agency's Report to the City Council, including, without limitation: the
28 existence of blighting influences, such as lower property sales values and

1 lower lease rates, the fact that over 60% of all properties in the Project
2 Area are smaller than minimum zoning code size, and the prevalence of
3 small, substandard lots held in multiple ownership, resulting in the need to
4 assemble multiple parcels to create attractive redevelopment
5 opportunities; and the inability of individual developers to economically
6 remove these blighting influences without public assistance.

7 D. The implementation of the Redevelopment Plan, as
8 amended by the Amendment, will improve or alleviate the physical and
9 economic conditions of blight in the Project Area. This finding is based
10 upon the fact that the Redevelopment Plan, as amended by the
11 Amendment, will continue the current Implementation Plan for the North
12 Long Beach Area, which identifies specific programs and expenditures
13 that will improve or eliminate blighting conditions by providing for the
14 rehabilitation of structures and improvements by present owners, their
15 successors, and the Agency; acquisition of real property; demolition or
16 removal of buildings and improvements; and installation, construction, or
17 reconstruction of streets, utilities, and other public improvements.

18 E. The Redevelopment Plan, as amended by the Amendment,
19 will redevelop the Project Area in conformity with the Community
20 Redevelopment Law and in the interests of the public peace, health,
21 safety, and welfare. This finding is based upon the fact that the
22 Redevelopment Plan, as amended by the Amendment, will implement the
23 objectives of the Community Redevelopment Law by aiding in the
24 elimination and correction of the conditions of physical and economic
25 blight and deterioration in the Project Area; provide for the rehabilitation of
26 structures and improvements by present owners, their successors, and
27 the Agency; provide for participation by owners and tenants presently
28 located in the Project Area by extending preferences to remain or relocate

1 within the Project Area or in adjacent areas; acquisition of real property;
2 demolition or removal of buildings and improvements; relocation
3 assistance to displace residential and non-residential occupants;
4 installation, construction, or reconstruction of streets, utilities, and other
5 public improvements; disposition of property for use in accordance with
6 the Redevelopment Plan; and redevelopment of land for uses in
7 accordance with the Redevelopment Plan.

8 F. The carrying out of the Redevelopment Plan, as amended by
9 the Amendment, will promote the public peace, health, safety, and welfare
10 of the community and would effectuate the purposes and policy of the
11 Community Redevelopment Law. This finding is based upon the fact that
12 redevelopment, as contemplated by the Redevelopment Plan, as
13 amended by the Amendment, will benefit the Project Area by correcting
14 conditions of blight and by coordinating public and private actions to
15 stimulate development and improve the economic, social and physical
16 condition of the Project Area and surrounding areas.

17 G. The use of condemnation is necessary to the execution of
18 the Redevelopment Plan and adequate provisions have been made for
19 payment for property to be acquired through eminent domain proceedings,
20 as provided by law. This finding is based upon the facts contained in
21 Section III (C) of the Agency's Report to the City Council, including,
22 without limitation, the prevalence of small, substandard lots held in
23 multiple ownership, the generally depressed economic character of the
24 Project Area, and the need to assemble multiple parcels to create
25 attractive redevelopment opportunities; and the fact that the
26 Redevelopment Plan, as amended by the Amendment, will continue the
27 current Implementation Plan for the North Long Beach Area, which
28 identifies specific programs and expenditures, including acquisition of

1 property through eminent domain.

2 H. The Agency has a feasible method or plan for the relocation
3 of families and persons displaced from the Project Area, if the
4 Redevelopment Plan, as amended by the Amendment, results in the
5 temporary or permanent displacement of any occupants of housing
6 facilities in the Project Area. This finding is based upon the Agency's Plan
7 or Method of Relocation for the Project Area, as restated in Section V of
8 the Agency's Report to the City Council.

9 I. There are, or shall be provided, in the Project Area or in
10 other areas not generally less desirable in regard to public utilities and
11 public and commercial facilities and at rents or prices within the financial
12 means of the families and persons displaced from the project area,
13 decent, safe, and sanitary dwellings equal in number to the number of and
14 available to the displaced families and persons and reasonably accessible
15 to their places of employment. Families and persons shall not be
16 displaced prior to the adoption of a relocation plan pursuant to Sections
17 33411 and 33411.1. Dwelling units housing persons and families of low or
18 moderate income shall not be removed or destroyed prior to the adoption
19 of a replacement housing plan pursuant to Sections 33334.5, 33413, and
20 33413.5. This finding is based upon the findings of the neighborhood
21 impact report, as set forth in Section IX (A) (1) and (B) of the Agency's
22 Report to the City Council, and the Agency's Plan or Method of Relocation
23 for the Project Area, as restated in Section V of the Agency's Report to the
24 City Council.

25 J. Permanent housing facilities will be available within three
26 years from the time occupants of the Project Area are displaced and that,
27 pending the development of the facilities, there will be available to the
28 displaced occupants adequate temporary housing facilities at rents

1 comparable to those in the community at the time of their displacement.
2 This finding is based upon the findings of the neighborhood impact report,
3 as set forth in Section IX (A) (1) and (B) of the Agency's Report to the City
4 Council, and the Agency's Plan or Method of Relocation for the Project
5 Area, as restated in Section V of the Agency's Report to the City Council.

6 K. The Redevelopment Plan, as amended by the Amendment,
7 is consistent with the General Plan of the City of Long Beach, including,
8 but not limited to, the Housing Element, which substantially complies with
9 the requirements of Article 10.6 (commencing with Sections 65580) of
10 Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is
11 based upon the report of the Planning Commission that the Amendment
12 conforms to the General Plan of the City of Long Beach.

13 Section 3. The City Council is satisfied that all written objections received
14 before or at the noticed public hearing have been responded to in writing. Written
15 findings have been adopted in response to each written objection filed with the City Clerk
16 either before or at the noticed public hearings.

17 Section 4. The Redevelopment Plan is hereby amended as set forth in
18 the proposed "Second Amendment to the Redevelopment Plan for the North Long Beach
19 Redevelopment Project," attached hereto as Exhibit No. 1 and incorporated herein and
20 made a part hereof by reference. As so amended, the Redevelopment Plan is hereby
21 designated as the official Redevelopment Plan for the North Long Beach Redevelopment
22 Project.

23 Section 5. In order to implement and facilitate the effectuation of the
24 Amendment hereby approved, it may be necessary for the City Council to take certain
25 actions, and accordingly, this City Council hereby:

26 A. Pledges its cooperation in helping to carry out the
27 Amendment;

28 ///

1 B. Requests the various officials, departments, boards and
2 agencies of the City having administrative responsibilities in the Project
3 Area likewise to cooperate to such end and to exercise their respective
4 functions and powers in a manner consistent with the redevelopment of
5 the Project Area pursuant to the Amendment;

6 C. Stands ready to consider and take appropriate action upon
7 proposals and measures designed to effectuate the Amendment; and

8 D. Declares its intention to undertake and complete any
9 proceedings necessary to be carried out by the City under the provisions
10 of the Amendment.

11 Section 6. Ordinance Nos. C-7412 and C-7912 are continued in full force
12 and effect as amended by this Ordinance.

13 Section 7. The City Clerk is hereby directed to send a certified copy of
14 this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for
15 carrying out the Redevelopment Plan as amended by the Amendment.

16 Section 8. The City Clerk is hereby directed to record with the County
17 Recorder of Los Angeles County a notice of the approval and adoption of the
18 Amendment pursuant to this Ordinance. The statement shall contain a description of the
19 land within the Project Area and a general description of the changes to the
20 Redevelopment Plan made by the Amendment and shall be recorded not later than 60
21 days after adoption of the Amendment.

22 Section 9. Effective Date. This Ordinance shall be in full force and effect
23 thirty (30) days after its passage.

24 Section 10. Publication. The City Clerk is hereby ordered and directed to
25 certify to the passage of this Ordinance and to cause the same to be published once in
26 the Long Beach Press Telegram, a newspaper of general circulation, published and
27 circulated in the City of Long Beach, California.

28 Section 11. Severability. If any part of this Ordinance, or the Amendment

1 which it approves, is held to be invalid for any reason, such decision shall not affect the
2 validity of the remaining portion of this Ordinance or of the Amendment, and this City
3 Council hereby declares that it would have passed the remainder of the Ordinance, or
4 approved the remainder of the Amendment, if such invalid portion thereof had been
5 deleted.

6 I hereby certify that the foregoing ordinance was adopted by the City
7 Council of the City of Long Beach at its meeting of _____, 20__, by the
8 following vote:

9
10 Ayes: Councilmembers: _____
11 _____
12 _____
13 _____

14 Noes: Councilmembers: _____
15 _____

16 Absent: Councilmembers: _____
17 _____

18
19
20 _____
City Clerk

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23 Approved: _____
(Date) Mayor

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