

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

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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;

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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

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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: \_\_\_\_\_

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City Clerk

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23 Approved: \_\_\_\_\_

(Date)

Mayor

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