



Building A Better Long Beach

Item 4

September 15, 2008

REDEVELOPMENT AGENCY BOARD MEMBERS
City of Long Beach
California

RECOMMENDATION:

Conduct a public hearing on the adoption of the Second Amendment to the North Long Beach Redevelopment Plan and Negative Declaration relating thereto; receive supporting documentation; adopt a resolution submitting the Redevelopment Agency's Report to City Council and the proposed Second Amendment to the City Council; adopt a resolution approving the proposed Second Amendment; and adopt a resolution approving the Negative Declaration. (North – Districts 1, 3, 5, 6, 7, 8, 9)

DISCUSSION

The Redevelopment Agency (Agency) has proposed a Second Amendment to the North Long Beach Redevelopment Plan (Proposed Amendment) to extend the Agency's authority to acquire property through eminent domain in the North Long Beach Redevelopment Project Area (Project Area). The California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.) limits a redevelopment agency's authority to acquire property by eminent domain to twelve years. A redevelopment agency may extend that authority for an additional twelve years if a redevelopment plan amendment is adopted. The Agency's authority to acquire property through eminent domain in the North Long Beach Redevelopment Project Area expired in July 2008.

The Proposed Amendment would extend the Agency's authority to use eminent domain for another twelve years throughout the Project Area with the exclusion of the majority of Sub-Area 5, which comprises the Port of Long Beach (Port). The Port has been excluded due to its economic growth over the last twelve years thereby making it difficult to demonstrate that blight remains in that area (a requirement of the plan amendment process). Furthermore, it is highly unlikely that the Agency would ever exercise its eminent domain authority within the Port given the Port's own authority related to its tenants and building conditions.

In June 2008, California voters passed Proposition 99. Proposition 99 prohibits public agencies 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. It should be noted that public agencies may still acquire single-family, owner-occupied homes with eminent domain to further public improvement projects.

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In the past twelve years, the Agency has made sparing use of eminent domain to eliminate nuisance uses and to assemble adequate development sites. In many instances, the fact that the Agency possesses the power of eminent domain facilitated reaching an agreement on a voluntary purchase of the property. The Agency has never acquired an owner-occupied home through an eminent domain action in the Project Area.

The City Council is expected to consider approval of the Proposed Amendment as well as the related Report to City Council and Negative Declaration at a public hearing on September 16, 2008. On July 17, 2008, the City of Long Beach (City) Planning Commission attested to the amendment's compliance with the City's General Plan and recommended approval of the Proposed Amendment. On July 24, 2008, the North Long Beach Redevelopment Project Area Committee recommended approval of the Proposed Amendment.

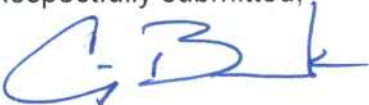
During August 2008, Agency staff discussed the Proposed Amendment and met with the following community groups: North Long Beach Community Action Group, Good Neighbors of North Long Beach, Grant School Chapter, Coolidge Triangle Chapter, DeForest Park Chapter, and the Executive Committee of the North Long Beach Neighborhood Association.

Documentation is being submitted in support of today's public hearing. Supporting documentation includes the Report to City Council, Supplement to the Report to City Council, Second Amendment to the North Long Beach Redevelopment Plan, Affidavits of Publication and Certificates of Mailing.

SUGGESTED ACTION:

Adopt recommendation.

Respectfully submitted,



CRAIG BECK
EXECUTIVE DIRECTOR

CB:AJB:LAF

Attachments: Exhibit A – Report to City Council
Exhibit B – Supplement to the Report to City Council
Exhibit C – Negative Declaration
Exhibit D – Second Amendment to the North Long Beach
Redevelopment Plan
Exhibit E – Written Comments on the Second Amendment
Exhibit F – Affidavit of Publication
Exhibit G – Certificate of Mailing - Property Owners
Exhibit H – Certificate of Mailing - Residents and Business Owners
Exhibit I – Certificate of Mailing - Taxing Entities
Redevelopment Agency Resolutions

Exhibits A through I

Due to the large size of these exhibits, it is not attached to this letter. If you would like to receive a copy, please contact Lisa Fall, Redevelopment Administrator, at (562) 570-6853.

RESOLUTION NO. R.A.

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

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 made 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 will be 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 on September 16, 2008; and

WHEREAS, on September 15, 2008, the Agency held a public hearing on the proposed Amendment and the Negative Declaration and has considered all comments and testimony received pertaining thereto;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH DOES HEREBY RESOLVE AS FOLLOWS:

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

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

APPROVED AND ADOPTED this 15th day of September, 2008, by the following vote:

Executive Director/Secretary

APPROVED:

Chair

RESOLUTION NO. R. A.

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL ON THE PROPOSED SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NORTH LONG BEACH REDEVELOPMENT PROJECT, AND SUBMITTING SAID REPORT AND PROPOSED AMENDMENT TO THE CITY COUNCIL

WHEREAS, the Redevelopment Agency of the City of Long Beach (the "Agency") has prepared a proposed Second Amendment to the Redevelopment Plan (the "Second Amendment") for the North Long Beach Redevelopment Project (the "Project"); and

WHEREAS, the Agency has submitted the proposed Second Amendment to the Planning Commission of the City of Long Beach for its report and recommendations, and the Planning Commission, by Resolution No. R-1141, adopted on JULY 17, 2008, reviewed the proposed Second Amendment and recommended the approval and adoption of the proposed Second Amendment;

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;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency hereby approves and adopts the Report to the City Council on the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project and hereby submits said Report, together with the proposed Second Amendment for the Project, to the City Council.

APPROVED AND ADOPTED this ____ day of _____, 2008, by the following vote:

Executive Director/Secretary

APPROVED:

Chair

RESOLUTION NO. R.A.

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

WHEREAS, the Redevelopment Agency of the City of Long Beach (the "Agency") has prepared and submitted to the City Council of the City of Long Beach (the "City Council") the proposed Second Amendment (the "Amendment") to the Redevelopment Plan for the North Long Beach Redevelopment Project (the "Project"), a copy of which is on file at the office of the Agency at 333 West Ocean Boulevard, Long Beach, California, and at the office of the City Clerk at City Hall, 333 West Ocean Boulevard, Long Beach, California, together with the Report and Supplement to the Report of the Agency concerning said Amendment, which contain, among other things, the reasons for the Amendment, the report and recommendations of the Planning Commission, and the Negative Declaration on 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;

WHEREAS, the Planning Commission of the City of Long Beach (the "Planning Commission") has submitted to the Agency its report and recommendations for approval of the Amendment and its certification that the Amendment conforms to the General Plan for the City of Long Beach; and

WHEREAS, on September 15, 2008, the Agency held a public hearing to consider adoption of the Amendment and the Negative Declaration related thereto; and

WHEREAS, on September 16, 2008, the City Council will hold a public hearing to consider adoption of the Amendment and the Negative Declaration related thereto; and

WHEREAS, a notice of said hearings were duly and regularly published in the Long Beach Press Telegram, a newspaper of general circulation in the City of Long Beach, once a week for four successive weeks prior to the date of said hearings, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

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

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

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

WHEREAS, the Agency has reviewed and considered the Negative Declaration on the Amendment prepared and submitted pursuant to the California Environmental Quality Act and approved such Negative Declaration on September 15, 2008, by Agency Resolution No. _____; and

WHEREAS, the Agency has considered the report and recommendations of the Planning Commission on the Amendment, has provided an opportunity for all persons to be heard and has considered all evidence and testimony presented for or against any and all aspects of the Amendment;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency does hereby specifically find and determine:

- A. That significant blight remains within the project area.
- B. That this blight cannot be eliminated without the use of eminent domain.

Section 2. The Agency hereby approves the Second Amendment to the Redevelopment Plan for the North Long Beach Redevelopment Project, attached hereto as Exhibit No. 1 and incorporated herein by reference.

Section 3. The Secretary of the Agency is hereby directed to transmit a copy of this resolution to the City Council for its consideration in adoption of the Amendment.

APPROVED AND ADOPTED this 15th day of September, 2008, by the following vote:

Executive Director/Secretary

APPROVED:

Chair