



Legislation Details (With Text)

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| File #: | 08-0928 | Version: | 1 | Name: | DS-HEARING-Amend. to NLB Redevelopment Plan D1,3,5,6,7,8,9 |
| Type: | Public Hearing | Status: | | Status: | Concluded |
| File created: | 8/28/2008 | In control: | | In control: | City Council |
| On agenda: | 9/16/2008 | Final action: | | Final action: | 9/16/2008 |
| Title: | Recommendation to open the hearing on the adoption of the Proposed Amendment to the North Long Beach Redevelopment Plan and the Negative Declaration related thereto, receive supporting documentation (Exhibits A-J), receive and/or hear testimony related to the adoption of said amendment and Negative Declaration, and conclude the hearing. (Districts 1,3,5,6,7,8,9) | | | | |
| Sponsors: | Development Services | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. 091608-H-3sr&att.pdf, 2. 091608-H-3-Handout - Exhibit K.pdf, 3. 091608-H-3-Handout - Exhibit L.pdf, 4. 091608-H-3-Handout - Exhibit M.pdf, 5. 091608-H-3-Handout - Errata.pdf, 6. 091608-H-3-Handout - C Fowler & L Angel.pdf, 7. 091608-H-3-Handout - Pauline Ward.pdf, 8. 091608-H-3-Handout - PowerPoint.pdf, 9. 091608-H-3-Handout - RDA Cert.pdf | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------------------------|--------|
| 9/16/2008 | 1 | City Council | second substitute motion | Pass |

Recommendation to open the hearing on the adoption of the Proposed Amendment to the North Long Beach Redevelopment Plan and the Negative Declaration related thereto, receive supporting documentation (Exhibits A-J), receive and/or hear testimony related to the adoption of said amendment and Negative Declaration, and conclude the hearing. (Districts 1,3,5,6,7,8,9)

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. The California Community Redevelopment Law (Health and Safety Code Sections 33000 e1. 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 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 Port has been excluded due its economic growth over the last twelve years thereby making it difficult to demonstrate that blight remains in that area (a requirement of 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.

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 agreement on a voluntary purchase of the property. The Agency has never acquired an owner-occupied home through an eminent domain action in the North Long Beach Redevelopment Project Area.

The Agency approved the Proposed Amendment as well as the related Report to City Council and negative declaration at a public hearing on September 15, 2008. On July 17, 2008, the Planning Commission of the City of Long Beach (City) 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, and the Grant School Chapter, the 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. The public hearing will be closed but no action will be taken because at least one written objection has been received from a property owner as of the date of this letter. In such a case, California Community Redevelopment Law requires a written response be prepared and that the City Council not take action until a later Council date following the public hearing.

This letter was reviewed by Assistant City Attorney Heather A. Mahood on August 22, 2008, and by Budget Management Officer Victoria Bell on August 27, 2008.

City Council action, in the form of the public hearing, is requested on September 16, 2008, in order to renew the Agency's authority to acquire property through eminent domain as soon as possible.

There is no fiscal impact associated with this recommendation.

Approve recommendation.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER