

**ORDINANCE NO. 05-329**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AGOURA HILLS, CALIFORNIA, APPROVING  
AND ADOPTING AN AMENDMENT TO  
THE REDEVELOPMENT PLAN FOR THE  
AGOURA HILLS REDEVELOPMENT PROJECT AREA  
OF THE AGOURA HILLS REDEVELOPMENT AGENCY**

RECITALS:

WHEREAS, on July 15, 1992, the City Council of the City of Agoura Hills (the "City Council") adopted Ordinance No. 92-213, approving and adopting the Redevelopment Plan (the Redevelopment Plan) for the Agoura Hills Redevelopment Project Area (the "Project Area") of the Agoura Hills Redevelopment Agency (the Agency); and

WHEREAS, Ordinance No. 92-213, the Redevelopment Plan and the Agency's Report to the City Council prepared in connection with the Redevelopment Plan and which contains the information required by Health and Safety Code Section 33352 (the "1992 Report to Council") are on file at the office of the City Clerk, City Hall, 30001 Ladyface Court, Agoura Hills, California; and

WHEREAS, Ordinance No. 92-213 includes the City Council findings and determinations required by Health and Safety Code Section 33367 for adopting the Redevelopment Plan including, without limitation, that the Project Area is a blighted area, based, in part, on facts set forth in the 1992 Report to Council. The decision by the City Council in connection with the adoption of Ordinance No. 92-213 is final and conclusive under Health and Safety Code Section 33368 and after that date it has been, is and shall be conclusively presumed that the Project Area is a blighted area; and

WHEREAS, under Section 33450 of the Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.) (the "Redevelopment Law") the City Council, by ordinance, may amend the Redevelopment Plan any time after adopting the plan; and

WHEREAS, on December 14, 1994, the City Council adopted Ordinance No. 94-27, amending the Redevelopment Plan in accordance with AB 1290; and

WHEREAS, the Agency has recommended that the City Council amend the Redevelopment Plan for the Project Area by ordinance to reinstate a 12-year time limit for the commencement of eminent domain proceedings to acquire property within the Project Area; and

WHEREAS, Agency staff has prepared the proposed 2005 Eminent Domain Amendment to the Redevelopment Plan for the Agoura Hills Redevelopment Project Area, on file in the office of the City Clerk City Hall (the Amendment) which reinstates the time limit for commencement of eminent domain to acquire property in the Project Area for a period of twelve (12) years from the effective date of this Ordinance; and

WHEREAS, because the Amendment does not amend the Redevelopment Plan to add tax increment financing, to add new territory to the Project Area, to increase either the limitation on the dollars allocated to the Agency or the time limit on establishing indebtedness, to extend the duration of the Redevelopment Plan, to merge project areas, or to add significant additional capital improvement projects, the Agency is not required to follow the same procedures and the City Council is not subject to the same restrictions provided in the Redevelopment Law for adopting a redevelopment plan, as provided in Health and Safety Code Sections 33354.5 and 33354.6 including, without limitation, establishing blight or continuing or remaining blight; and

WHEREAS, to the extent warranted by the Amendment, this Ordinance adopting the proposed Amendment shall contain the findings required under Health and Safety Code Section 33367, and the report and information required under Health and Safety Code Section 33352 shall be prepared and made available to the public before the hearing on the Amendment; and

WHEREAS, the findings warranted by the Amendment relate to whether eminent domain is necessary for carrying out the Redevelopment Plan, and findings that provide for paying for any property, as required by law, that is acquired by eminent domain; and

WHEREAS, although the Project Area is conclusively presumed blighted, the Agency staff has in response to generalized community concerns, presented substantial evidence of remaining blight in the Project Area, and this Ordinance, although not required to by law, makes findings of remaining blight; and

WHEREAS, for effective Redevelopment Plan implementation and so that its use may be available to the Agency for carrying out the goals and objectives of the Redevelopment Plan, the time limit for exercising the power of eminent domain should be reinstated for a period of 12 years from the effective date of this Ordinance; and

WHEREAS, eminent domain, is a necessary tool for achieving the public purposes of redevelopment; and

WHEREAS, California law provides strict guidelines and limitations on any exercise of eminent domain, and adequate protection for property owners; and

WHEREAS, the City Council has received from the Agency the Amendment, as approved by the Agency, a copy of which is on file at the office of the City Clerk; and

WHEREAS, the City Council has received from the Agency the Agency's Report to City Council prepared in connection with the Amendment, dated December 10, 2004, (the "2005 Report to Council"), a copy of which is on file at the office of the City Clerk; and

WHEREAS, the 1992 Report to Council contained each element required under Health and Safety Code Section 33352 for adopting the Redevelopment Plan and the 2005 Report to Council contains the elements under Health and Safety Code Section 33352 relating to adopting the Amendment; and

WHEREAS, a negative declaration (the "Negative Declaration") was prepared in conformity with State and local requirements under the California Environmental Quality Act ("CEQA") in connection with the Amendment and the Agency and City Council approved and adopted the Negative Declaration by Resolution No. 05-42 and Resolution No. 05-1356, respectively; and

WHEREAS, the Amendment does not modify land use or land use policies, goals, or objectives within the Project Area and, therefore, does not affect the City's General Plan and a finding of consistency with the General Plan is not required under Health and Safety Code Sections 33453 and 33367 and the Amendment was not required to be provided to the City's Planning Commission for its review; and

WHEREAS, on January 12, 2005 and January 26, 2005, the City Council and Agency held a joint public hearing on the Amendment and the Negative Declaration, received and included in the public record the staff's reports, heard the testimony of all interested persons, and received written communications from interested persons; and

WHEREAS, the City Council has considered the findings in Ordinance No. 92-213, the 1992 Report to Council, the 2005 Report to Council, the Redevelopment Plan, the Amendment, the Negative Declaration, and other information presented to it and available to it, has provided an opportunity for all persons to be heard and has received and considered all evidence and statements presented for or against any aspect of the Amendment, and has adopted written findings responding to written objections to the Amendment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Amendment entitled, "The 2005 Eminent Domain Amendment to the Redevelopment Plan for the Agoura Hills Redevelopment Project" on file in the office of the City Clerk and attached hereto as Exhibit A, is hereby incorporated by this reference.

Section 2. As established in the Redevelopment Plan and Ordinance No. 92-213, the purposes and intent of the City Council with respect to the Project Area are:

1. The elimination of and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, the Redevelopment Plan and local codes and ordinances, all as may be amended from time to time, by taking all appropriate redevelopment activities pursuant to the Redevelopment Law.
2. The promotion of new and continuing private sector investment within the Project Area to prevent the loss of, and to facilitate, commercial sales activity.
3. The achievement of an environment reflecting a high level of concern for architectural, landscape, urban design, and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
4. The retention and expansion of as many existing businesses as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area.
5. The enhancement of sales, business license, and other fees, taxes and revenues to the City of Agoura Hills.
6. The creation and development of local job opportunities and the preservation of the area's existing employment base.
7. The replanning, redesign and development of areas which are stagnant or improperly utilized.
8. The increase, improvement to and preservation of the City's supply of housing (inside or outside the Project Area), including opportunities for very low, low and moderate income households.
9. The provision of adequate infrastructure and other public improvements.

The purposes and intent of the City Council with respect to the Amendment are to reinstate the power of eminent domain to the Redevelopment Plan for a 12-year period commencing from the effective date of this Ordinance, as a Redevelopment Plan implementation tool to help eliminate remaining conditions of blight within the Project Area.

Section 3. Based upon the record of the joint public hearing on the Amendment and the various reports and other information provided to the City Council, including the report prepared in accordance with Health and Safety Code Sections 33352 and 33457.1, the City Council hereby makes the following findings and determinations as warranted by the Amendment:

A. Amending the Redevelopment Plan in accordance with the Amendment is necessary and desirable to complete redevelopment of the Project Area and to increase the probability of achieving the goals and objectives of the Redevelopment Plan for the Project Area.

B. Although the Project Area blight is conclusively presumed to be blighted in response to generalized community concerns the City Council hereby finds conditions of blight remain within the Project Area which might not be able to be alleviated without reinstating the power of eminent domain. Such conditions include but are not limited to, the existence of (i) buildings and structures which are characterized by age and obsolescence, with buildings that as old as 70 years old; (ii) an obsolete commercial strip which lacks adequate off-street parking; (iii) buildings and structures characterized by faulty exterior spacing and which have maximized the buildable lot area of the property at the expense of adequate employee and patron parking and landscaping; (iv) buildings and structures characterized by shifting of uses; (v) lots of irregular form and shape and inadequate size for proper usefulness and development; (vi) the laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions; and (vii) inadequate public improvements and utilities which cannot be remedied by private or governmental action without redevelopment, such as streets, freeway interchanges and storm drains. Physical barriers, road patterns and poor road conditions all contribute to the difficulties of ingress and egress into the Project Area. The foregoing combination of blighting conditions continue to cause a reduction of, or lack of, proper utilization of the Project Area that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment. The availability of the power of eminent domain will assist the Agency to effectively implement the Redevelopment Plan and to carry out the goals and objectives for the Project Area by providing a necessary tool for site assembly, as needed, to complete public improvements and to implement and continue redevelopment programs necessary to alleviate the remaining blighting conditions and to promote and stimulate new private investment in the Project Area.

C. Amending the Redevelopment Plan in accordance with the Amendment would provide an additional redevelopment tool to the Agency, permitting the Agency to redevelop the Project Area in conformity with the Redevelopment Law, and in the interests of the public peace, health, safety and welfare. The implementation of the Redevelopment Plan, as amended by the Amendment, will implement the objectives of the Redevelopment Law by helping to eliminate conditions of blight within the Project Area. The Redevelopment Plan, as amended by the Amendment, provides

for, among other things, replanning, redesigning and/or redeveloping areas which are stagnant or improperly utilized, and which could not be accomplished by private enterprise acting alone without public participation and assistance; protecting and promoting sound development and redevelopment of blighted areas and the general welfare of the citizens of the City by remedying such injurious conditions through appropriate means; installing new or replacing existing streets, alleys, sidewalks, curbs, gutters, water and sewer lines and storm drains; providing financial assistance for rehabilitation and conservation of structures; and increasing, improving and preserving the City's supply of affordable housing. These improvements are essential to encouraging private investment and eliminating the conditions of blight in the Project Area and preventing their reoccurrence.

D. The carrying out of the Redevelopment Plan, as amended by the Amendment, would promote the public peace, health, safety and welfare of the City of Agoura Hills and would effectuate the purposes and policy of the Redevelopment Law. The implementation of the Redevelopment Plan, as amended by the Amendment, will eliminate conditions of blight within the Project Area. Redevelopment will help correct underutilization of parcels, nonconforming land uses and incompatible land uses. The Redevelopment Plan, as amended by the Amendment, provides for the installation and construction of public improvements. The Redevelopment Plan, as amended by the Amendment, also provides for the rehabilitation of public and private structures.

E. The condemnation of real property as established in the Amendment is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for payment for property to be acquired as provided by law. To facilitate redevelopment, the Agency may need to assemble parcels to produce more cohesive and economically feasible development within the Project Area. The Agency is required to comply with all state laws pertaining to a public agency acquiring real property, whether acquisition is by condemnation or negotiation, and these laws require paying just compensation for all real property. The Agency shall not proceed with any voluntary acquisition or with condemnation of real property for which funds are not available.

F. In the event that it will be necessary to relocate any families and persons as the result of the implementation of the Redevelopment Plan, the Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area if the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area. The Agency's previously adopted method and plan for relocating families and persons, adopted in conjunction with the adoption of the Redevelopment Plan, will continue to apply following the adoption of the Amendment.

G. In the event that it will be necessary to relocate any families and persons as the result of implementation of the Redevelopment Plan, there are, or shall be provided, in the Project Area or in other areas not generally less desirable in regard to

public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons, if any, who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

H. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Redevelopment Law. To the extent required by the Redevelopment Law, dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Redevelopment Law.

Section 4. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area may be displaced and that pending the development of such facilities, there will be available to such occupants who may be displaced adequate temporary housing facilities at rents comparable to those in the City of Agoura Hills at the time of their displacement.

Section 5. The Amendment is hereby approved and adopted, and is hereby designated, as an official amendment to the Redevelopment Plan.

Section 6. The Redevelopment Plan, as amended by the Amendment, is hereby approved and adopted and is hereby designated and shall constitute the official Redevelopment Plan for the Agoura Hills Redevelopment Project Area.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published as required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_,  
2005.

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Ed Corridori, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk

Approved as to form:

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Craig A. Steele City Attorney



**EXHIBIT “A”**

**2005 EMINENT DOMAIN AMENDMENT  
to the  
REDEVELOPMENT PLAN  
for the  
AGOURA HILLS REDEVELOPMENT PROJECT AREA**

The third paragraph of [Section 308] Acquisition of Real Property shall be revised to read as follows:

“No eminent domain proceeding to acquire property within the Project Area shall be commenced after twelve (12) years following the effective date of the ordinance approving and adopting the 2005 Eminent Domain Amendment to the Redevelopment Plan for the Agoura Hills Redevelopment Project Area. Such time limitation may be extended only by amendment of this Plan”.