

2005 Amendment to the Agoura Hills Redevelopment Plan

Report to the City Council

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Agoura Hills Redevelopment Agency
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Introduction

The Agoura Hills Redevelopment Agency (“Agency”) is taking steps leading to the adoption of an amendment to the Agoura Hills Redevelopment Project Area (“Amendment”). The proposed Amendment will assist the Agency in implementing the Redevelopment Plan (“Plan or Redevelopment Plan”) for the Agoura Hills Redevelopment Project (“Project”) and Project Area (“Project Area”). The Project Area is comprised of one contiguous area totaling approximately 1,027 acres in the City of Agoura Hills (“City”). Land uses in the Project Area include retail/service, office/industrial, residential, public/quasi-public, open space, vacant land and public right-of-way.

The Project Area was originally adopted by the Agoura Hills City Council (“City Council”) on November 9, 1994 by Ordinance No. 94-248. Exhibit A presents a map of the overall boundaries of the Project Area as well as a visual representation of the boundaries for the Agency’s eminent domain authority.

Section 100 of the Plan delineates various redevelopment goals and objectives for the Project Area. These include:

- 1) The elimination 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.
- 2) The promotion of new 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 increasing, 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.

This document is the Agency's Report to the City Council ("Report") on the proposed Amendment, and has been prepared pursuant to Section 33457.1 and 33352 of the California Community Redevelopment Law ("CRL"), Health and Safety Code Section 33000 et seq. ("Law"). Pursuant to Section 33352 of the Law, the Agency is required to submit a Report containing specific documentation regarding the proposed Amendment. The purpose of this Report is to provide the information, documentation and evidence required to support the adoption of the proposed Amendment. This information, documentation and evidence are provided to assist the City Council in its consideration of the proposed Amendment and in making the various determinations in connection with its adoption.

With respect to the proposed Amendment, this Report supplements the documentation and evidence contained in the Report to the City Council ("Original Report"), prepared in connection with the adoption of the original Plan and is incorporated herein by reference.

Plan Amendment

The proposed Amendment would amend the existing Redevelopment Plan to extend the Agency's existing eminent domain authority for twelve (12) years. The Agency's eminent domain authority expired in July 2004. The specific language of the Amendment is as follows:

[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".

To date, the Agency has never used eminent domain, however, it is a tool that the Agency seeks to have available in the event it is ever needed to implement a specific redevelopment activity. Exhibit A presents a map of the Project Area. The proposed Amendment will not enlarge or in any way alter the boundaries of the Project Area.

Due to the fact that the Amendment proposes only to extend the eminent domain provision within a portion of the Project Area, Section 33457.1 of the CRL dictates

the required components of this Report to Council. More specifically, Section 33457.1 of the CRL states that the reports and information required by Section 33352 are only the reports and information warranted by the proposed Amendment. Much of the information normally required for the sections of a Report pertaining to adoption of a redevelopment plan was previously documented and presented in the Original Report prepared for the adoption of the Redevelopment Plan. It is also important to note that pursuant to Section 33368 of the CRL, the Agency's adoption of the ordinance adopting the Redevelopment Plan is final and conclusive, and it is now conclusively presumed and beyond legal challenge that the Project Area is a blighted area as defined by Sections 33030 and 33031 of the CRL and that all prior proceedings have been duly and regularly taken. Thus, no additional "blight findings" are required for adoption of the proposed Amendment.

Contents of this Report

The contents of this Report are presented in 14 sections, which generally correspond to the subdivisions presented in Section 33352 of the Law. The sections are as follows:

- Section A** Reasons for the Proposed Amendment and a Description of Specific Projects Proposed and How These Projects Will Improve or Alleviate Blighting Conditions Found in the Project Area
- Section B** A Description of the Physical and Economic Conditions Existing in the Project Area
- Section C** Five-Year Implementation Plan
- Section D** Why the Elimination of Blight and Redevelopment Cannot be Accomplished by Private Enterprise Acting Alone or by the Agency's Use of Financing Alternatives Other Than Tax Increment
- Section E** The Method of Financing
- Section F** The Relocation Plan
- Section G** Analysis of the Preliminary Plan
- Section H** Report and Recommendations of the Planning Commission
- Section I** Report of the Project Area Committee
- Section J** General Plan Conformance
- Section K** Environmental Documentation

- Section L** Report of the County Fiscal Officer
- Section M** Neighborhood Impact Report
- Section N** A Summary of Agency Consultation with Affected Taxing Agencies

Section
A

Reasons for the Amendment and a Description of Specific Projects Proposed and How These Projects Will Improve or Alleviate Blighting Conditions Found in the Project Area

The Agency seeks to amend the Plan to extend Agency's ability (subject to following all required procedures under California law) to use eminent domain to acquire property within Project Area for a twelve (12) year period.

Other than extending the time to exercise the Agency's eminent domain authority in the Project Area, the proposed Amendment will not amend, modify, change or affect in any way the text of the Plan as it applies to the territory within the boundaries of the Project Area. The extension of the eminent domain provision in the Project Area will allow the Agency to retain all tools available to it in implementing the Redevelopment Plan.

This Report does not contain any further information as may be required by subdivision (a) of Section 33352; stating the reasons for the selection of the project area or a description of the specific projects proposed by the Agency, because the reasons for selection of the Project Area remain the same as when the Project Area was selected when the Plan was originally adopted and are not affected by the proposed Amendment. In addition, no specific projects outside the scope of the existing Redevelopment Plan are proposed by the Agency in connection with the proposed Amendment.

Section
B

A Description of the Physical and Economic Conditions Existing in the Project Area

Section 33352(b) of the Law requires a description of the physical and economic conditions that cause the Project Area to be blighted. This description was provided in the documentation, which was prepared as evidence in the Original Report that the Project Area was deemed blighted at the time of adoption of the existing Plan. Sections 33030-33031 of the Law defined specific physical, economic and social conditions of blight within a redevelopment project area at the time properties were first placed in the Project Area,

Given the language in both Sections 33368 and 33457.1 of the CRL, additional description is not appropriate or required due to the fact that the proposed Amendment will not change the boundaries of the Project Area or make any other changes to the Plan that would require a review of, or reanalysis of, the blight findings. The extension of time for the use of eminent domain authority in the Project Area will allow the Agency to retain all tools available to it in implementing the Redevelopment Plan and eliminating remaining blighting conditions.

Pursuant to Section 33368 of the Law, the adoption of the ordinance adopting the Plan is final and conclusive, and it is thereafter conclusively presumed that the Project Area is a blighted area as defined by Sections 33030 and 33031 of the Law and that all prior proceedings have been duly and regularly taken.

Section
C

Five-Year Implementation Plan

The Agency has prepared a draft Five Year Implementation for 2004-05 through 2008-09 which will be the subject of a public hearing on January 12, 2005 and approved thereafter. The Implementation Plan was prepared pursuant to Section 33490 of the CRL and contains specific goals and objectives for the Project Area, the specific projects and expenditures to be made during the five-year planning period, and an explanation of how these goals, objectives and expenditures will eliminate blight within the Project Area. The Implementation Plan is not affected by the proposed Amendment; therefore, the requirement contained in Section 33352(c) of the CRL is not applicable and this Section is not required. The Implementation Plan is incorporated herein by reference.

Section
D

Why the Elimination of Blight and Redevelopment Cannot be Accomplished by Private Enterprise Acting Alone or by the Agency's Use of Financing Alternatives Other Than Tax Increment

Section 33352(d) of the CRL requires an explanation of why the elimination of blight in the Project Area cannot be accomplished by private enterprise alone, or by the Agency's use of financing alternatives other than tax increment financing. This information was previously provided in the supporting documentation prepared and provided at the time of the adoption of the existing Project Area. The proposed Amendment will not make any changes that would affect the validity of the previously prepared documentation supporting the need for tax increment; therefore, this Section is not applicable.

Section
E

The Method of Financing

Section 33352(e) of the CRL requires inclusion of a proposed method of financing the Project which was provided in the Original Reports when the existing Project Area was adopted. Because the proposed Amendment will not alter the Project Area boundaries, affect the base year value of the Project Area or change the proposed method of financing the Project, the proposed Amendment does not warrant that this section be prepared.

The Relocation Plan

Sections 33352(f) and 33411 of the CRL require the Agency to prepare a method or plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities located within the Project Area, and nonprofit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in said Project Area. At the time the Original Plan was adopted, the Agency approved the Method of Relocation for the Project Area ("Method of Relocation") which is incorporated herein by reference and is on file with the Secretary of the Agency. Because no specific projects requiring relocation can be identified at this time, it is not feasible to identify specific businesses, residences, or local community institutions which may need to be relocated at some time during the implementation process. If relocation activities are undertaken, the Agency will handle those relocation cases that result from project activities on an individual case-by-case basis. As a public agency formed under the provisions of state law, the Agency is required to adhere to State Relocation Law (Government Code Sections 7260 through 7277) and follow the California Relocation Assistance and Real Property Acquisition Guidelines ("State Guidelines") as established in the California Administrative Code, Title 25, Chapter 6. In 1997, the State Relocation Law was amended by Assembly Bill 450 to bring State Relocation Law in conformance with federal regulations. The State Guidelines and Relocation Law comply with the requirements of CRL Section 33411.1.

Prior to commencement of any acquisition activity that will cause substantial displacement of residents, the Agency will adopt a specific relocation plan in conformance with the State Guidelines. To the extent appropriate, the Agency may supplement those provisions provided in the State Guidelines to meet particular relocation needs of a specific project. Such supplemental policies will not involve reduction, but instead enhancement of the relocation benefits required by State Law.

Section
G

Analysis of the Preliminary Plan

An analysis of the Preliminary Plan was provided in the supporting documentation prepared at the time the Project Area was adopted. Pursuant to Section 33457.1 of the CRL and because the analysis of the Preliminary Plan remains the same and is not affected by the proposed Amendment, additional analysis is not required.

Section
H

Report and Recommendation of the Planning Commission

Section 33352(h) of the CRL requires inclusion of a report and recommendation of the Agoura Hills Planning Commission (“Planning Commission”). The Planning Commission of the City of Agoura Hills adopted a report and recommendation as part of the supporting documentation prepared at the time the existing Project Area was adopted. The Agency did not request a new report and recommendation for the proposed Amendment, because the proposed Amendment will not affect the land use provisions of the existing Plan and it was previously determined that the existing Plan was in conformance with the adopted General Plan of the City of Agoura Hills; therefore, it was not necessary to require the Planning Commission to make additional findings.

Section
I

Report of the Project Area Committee

Pursuant to the CRL, a redevelopment agency shall call upon the property owners, residents, business tenants and existing community organizations in a redevelopment project area, or amendment area, to form a project area committee ("PAC") if: (1) granting the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate-income persons reside; or (2) add territory in which a substantial number of low- and moderate-income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory.

The Agency is not required to form a PAC, because the Project Area does not include a substantial number of low- and moderate-income persons, and no projects or programs have been identified that will displace a substantial number of low- and moderate-income persons; therefore, it was not necessary to require the formation of a PAC pursuant to Section 33385.3 for the purposes of making additional findings.

Section
J

General Plan Conformance

Information that determined the Redevelopment Plan was in conformance with the General Plan was provided in the documentation prepared at the time the existing Project Area was adopted. Therefore, Section 33352(j) of the CRL requiring a report of General Plan conformance per Section 65402 of the Government Code is not required, due to the fact that the proposed Amendment does not contain provisions which would alter land use designations, nor does the proposed Amendment affect the land use provisions of the Plan.

Section
K

Environmental Documentation

Section 33352(k) of the Law requires environmental documentation to be prepared pursuant to Section 21151 of the Public Resources Code. Concurrent with the adoption of the original Plan, the Agency undertook appropriate environmental documentation as necessary.

For the proposed Amendment, an Initial Study was prepared pursuant to California Environmental Quality Act guidelines, which found that the proposed Amendment to extend the time limit of the Plan's eminent domain authority would not have a significant adverse impact on the environment. As such a Negative Declaration for the proposed Amendment was completed and made available for review and comment.

Report of the County Fiscal Officer

Section
L

The proposed Amendment will not enlarge the Project Area; therefore, it is not necessary for the Agency to request a base year report from the County of Los Angeles pursuant to CRL Section 33328. Project Area fiscal information was provided in the supporting documentation prepared and provided at the time the Project Area was adopted. Because the proposed Amendment will not alter the boundaries of the Project Area, this report is not needed or required.

Section
M

Neighborhood Impact Report

Section 33352(m) of the CRL requires the inclusion of a Neighborhood Impact Report. This information was provided in the supporting documentation that was prepared and provided at the time existing Project Area was adopted. Because the proposed Amendment will not enlarge the Project Area; pursuant to Section 33457.1 of the CRL no additional analysis would be appropriate or required.

Section
N

A Summary of the Agency Consultation with Affected Taxing Agencies

Because the proposed Amendment will not add area to the Project Area, submission of a request to the County to prepare a report pursuant to Section 33328 of the CRL was neither, required, or appropriate. Therefore, a summary of this report is not included. With regard to consultations with affected taxing agencies, the proposed Amendment will not affect the financing of the Project Area in any way, nor will it significantly change land uses or public improvement projects and additional consultations are not needed.

It is important to note that all taxing entities within the Project Area were notified of the joint public hearing in accordance with the requirements of Section 33349(d) of the CRL.



Agoura Hills Redevelopment Project Area
Map