

# **Bond Case Briefs**

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## **ZONING - CALIFORNIA**

### **Community Youth Athletic Center v. City of National City**

**Court of Appeal, Fourth District, Division 1, California - October 30, 2013 - Cal.Rptr.3d - 2013 WL 5823767**

In 2007, the City of National City and its Community Development Commission (together, the City), approved an amendment to its 1995 redevelopment plan, ordinance No.2007-2295 (Amendment), that extended the time period authorized by the plan for the use of eminent domain powers within a 300-acre area, based on certain designations of physical and economic blight. (Health & Saf.Code, § 33000 et seq., the Community Redevelopment Law (CRL)).

When their opposition to the City's approval of the Amendment was unsuccessful, Community Youth Athletic Center (CYAC) brought reverse validation action in superior court to seek declaratory and injunctive relief and damages under several statutory and constitutional theories.

After a bench trial, the superior court issued a statement of decision and judgment in favor of CYAC, interested parties and the interested public. In the reverse validation proceedings, the trial court examined the administrative record and set aside the Amendment to the redevelopment plan, by issuing declaratory relief based on its findings of several violations of the CRL:

- 1) Contrary to the provisions of section 33457.1, the City failed to include in its mandated report, prior to the hearing on such Amendment, the maps required by section 33352, subdivision (b) that documented the physical and economic conditions of blight that existed within the project area,
- 2) The administrative record did not contain substantial evidence supporting the physical blight findings underlying the Amendment, and
- 3) Neither the City nor its retained private consultant had produced, on request by CYAC, two types of underlying raw data relied upon in consultant's "Report to Council" (RTC) (i.e., consultant's field surveys of blight conditions, or the City's police department's property-b-property crime data). The City had relied on those field surveys and crime data to support the enactment of the Amendment which extended the eminent domain redevelopment power, as they led to the RTC's conclusions that physical and economic blight existed within the project area, but the record did not support that reliance.

Upon review the Court of Appeal affirmed the judgment, but reversed the grant of declaratory relief on the due process theory.