

APPROVED

CRA/LA, A DESIGNATED LOCAL AUTHORITY
(Successor Agency to the Community Redevelopment Agency of the City of Los Angeles, CA)

REVISED

MEMORANDUM

13

As underlined on Attachment A

DATE: JUNE 21, 2012

CI6990, CT6990, HW6990, PA6990, WK6990

TO: GOVERNING BOARD

ROPS # N/A

FROM: CHRISTINE ESSEL, CHIEF EXECUTIVE OFFICER

STAFF: DAVID RICCIHELLO, CHIEF OPERATING OFFICER
JOSH ROHMER, ACTING PROJECT MANAGER

SUBJECT: **CLARIFICATION REGARDING DISCRETIONARY LAND USE ACTIONS.**
Resolution clarifying Redevelopment Plan language regarding CRA/LA discretionary land use actions in the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas.
DOWNTOWN, HOLLYWOOD/CENTRAL, AND HARBOR REGIONS (SDs 1, 2, 3, 4; CDs 1, 4, 8, 9, 10, 13, 14, 15)

RECOMMENDATION

That the Governing Board adopt a resolution that, for the purposes of CRA/LA review of City development applications, the land use designations on the Redevelopment Plan Map defer to and are superseded by the underlying City of Los Angeles Community Plan and Zoning Ordinance designations within the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas. Future development permit applications will not require CRA/LA discretionary land use approvals in these Project Areas.

SUMMARY

This action will simplify the approval process for entitlements and building permits within five CRA/LA redevelopment project areas: City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown. CRA/LA staff reviews all development applications within these project areas for conformance with the respective redevelopment plans (Plans), and has required CRA/LA Board approval (discretionary land use action) for projects that propose uses that vary from the land uses designated by the Plans, even when proposed projects otherwise conform with City land use controls. For sponsors of development projects, this CRA/LA discretionary land use approval has often been seen as a confusing extra step beyond the City's established approval process, and can cause delays in securing approvals or receiving entitlements.

Sections 502 of each of these Plans states that the City Community Plan and Zoning Ordinance land use designations prevail over the Redevelopment Plan map designations. This would appear to obviate the need for discretionary land use actions of this type. The proposed Resolution clarifies that future CRA/LA review of development projects shall not require discretionary land use approvals within these project areas. Permits within these project areas will continue to be reviewed for Plan conformance, and permits in other redevelopment project areas will continue as per current practice.

DISCUSSION & BACKGROUND

Redevelopment Plan Language

In most of the 31 existing Redevelopment Plans, Section 502 or 601 of the Plan references the Redevelopment Plan Map, an exhibit attached to each Plan that designates the intended uses for each parcel in the project area. Any proposed entitlement or building permit must conform to such designations, which are often more restrictive than what would otherwise be allowed by the City's relevant Community Plan and the Zoning Ordinance. All proposed development projects are reviewed by CRA/LA staff for conformance to the Plans, and the referenced Section, excerpted below, requires that projects proposing land uses other than those described in the Plan Map require a discretionary land use approval from the CRA/LA Board, regardless of conformance with the Community Plan and zoning. Approximately 30 to 50 such discretionary land use actions are considered by the CRA/LA Board each year. Since January 2011, the CRA/LA Board has considered 42 discretionary land use actions, 16 (or 38%) of which were located in the five project areas that are the subject of this action.

In five of the most recently adopted or amended redevelopment plans, Section 502 contains language that states that Plan land use designations shall defer to the uses identified in the Community Plan. In these project areas (City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown), Plan language can be interpreted that CRA/LA Board discretionary actions are not required, even if proposed developments do not conform to the Plan Map designation. Although the Plans elsewhere provide procedures for making discretionary land use approvals, the Section 502 language in these Plans (see below) states that the Community Plan land use shall rule "notwithstanding." As a matter of practice, however, the Prior Agency has considered and approved discretionary land use actions in these five project areas.

Given the dissolution of the Prior Agency, the current wind-down of redevelopment activities, and the significant decrease of CRA/LA staffing resources, CRA/LA staff and the Department of City Planning are working to clarify and streamline land use approval processes. The recommended action would remove what may be considered to be a confusing, redundant hurdle in the approval process, and is in keeping with the CRA/LA's current efforts to wind down and the City's effort to streamline its project approval process.

Standard Redevelopment Plan Language

"Section 502. Redevelopment Plan Map

The Redevelopment Plan Map attached hereto and incorporated herein illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. "

Redevelopment Plan Language in City Center, Central Industrial, Hollywood, Pacific Corridor and Wilshire Center / Koreatown Plans

"Section 502. Redevelopment Plan Map

The Redevelopment Plan Map, attached hereto as Exhibit No. 1 and incorporated herein, illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the

applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process."

Basis for Approval

The recommended actions are consistent with and authorized by provisions of Assembly Bill 1x-26, including but not limited to the following:

Section 1 [Intent of the legislature]: It is the intent of the Legislature to do all of the following in this act: (j)(4) *"Require successor agencies to expeditiously wind down the affairs of the dissolved redevelopment agencies and to provide the successor agencies with limited authority that extends only to the extent needed to implement a winddown of redevelopment agency affairs."*

Chapter 2, Section 34173, which provides: *"Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies."*

Land use requirements of each redevelopment plan will therefore remain in effect for the duration of the effectiveness of the applicable redevelopment plan. The recommended actions will carry out the applicable provisions of the listed redevelopment plans in a manner designed to expeditiously implement a wind-down of the former redevelopment agency's affairs.

SOURCE OF FUNDS

No funds are required for this action.

ROPS AND ADMINISTRATIVE BUDGET IMPACT

The recommended actions are consistent with AB1x-26 and consistent with the Successor Entity's expressed goals of winding down redevelopment activities and reducing administrative costs.

ENVIRONMENTAL REVIEW

The proposed action does not constitute an action according to the California Environmental Quality Act (CEQA). Future proposed land use projects in these five Redevelopment Project areas will still have to conform to the applicable Community Plan land use designations, which were approved by the City following a lengthy environmental review (Environmental Impact Report) process for each Community Plan. Permits for individual development projects within these five Project Areas will still be reviewed on a case by case basis for Redevelopment Plan conformance, as well as the need for any required environmental review.

Christine Essel
Chief Executive Officer

By:


David Riccitiello
Chief Operating Officer

There is no conflict of interest known to me which exists with regard to any CRA/LA officer or employee concerning this action.

ATTACHMENTS

Attachment A: Resolution

RESOLUTION NO. ____

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY
(SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND
USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF
LOS ANGELES LAND USE REQUIREMENTS**

WHEREAS, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

WHEREAS, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

WHEREAS, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

WHEREAS, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

WHEREAS, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies"; and

WHEREAS, the CRA/LA, A DESIGNATED LOCAL AUTHORITY ("CRA/LA") is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

WHEREAS, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

NOW, THEREFORE, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the purposes of determining whether land uses proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determined that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land uses for all purposes under the applicable Redevelopment Plan.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use requirements regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and requirements regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED:

Attachment A

RESOLUTION NO. 16

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY
(SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND
USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF
LOS ANGELES LAND USE REQUIREMENTS**

WHEREAS, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

WHEREAS, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

WHEREAS, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

WHEREAS, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

WHEREAS, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies"; and

WHEREAS, the CRA/LA, A DESIGNATED LOCAL AUTHORITY ("CRA/LA") is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

WHEREAS, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

NOW, THEREFORE, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the purposes of determining whether land uses proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determined that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land uses for all purposes under the applicable Redevelopment Plan.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED: June 21, 2012

AYES: Rising, Semcken, McOsker
NOES: 0
ABSENT: 0