



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: June 22, 2010

SUBJECT: Plan Amendment to Redevelopment Project Areas

APPLICANT: Boris Sztorch, Senior Redevelopment Project Manager
Carson Redevelopment Agency
1 Civic Plaza Drive, Suite 500
Carson, CA 90745

REQUEST: To make a report and recommendation on the adoption of the 2010 Merger/Amendments to the Redevelopment Plans for Project Area No. 1, Merged and Amended Project Area, and Project Area No. 4 to the City Council and Redevelopment Agency

PROPERTY INVOLVED: All Redevelopment Project Areas

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 12A

I. Introduction

The Carson Redevelopment Agency (Agency) is requesting that the Planning Commission make a finding that the proposed redevelopment plan amendments (Exhibit No. 2) are in conformance with the city's General Plan.

II. Background

In the summer of 2009, the Redevelopment Agency Board directed agency staff to move forward with an amendment to the redevelopment plans for the Existing Project Areas. The proposed 2010 Amendments would:

- Merge the Agency's three existing redevelopment project areas for the purpose of creating financial flexibility and ease of administration;
- Combine 4,099 acres of the Existing Project Areas into a single project area (Carson Consolidated Project Area);
- Re-instate and extend eminent domain, excluding residential uses, in certain areas of the Existing Project Areas; and
- Add one public improvement project to the existing public improvement project list in Project Area No. 1. The additional public improvement project would provide substantial infrastructure upgrades and improvements to the Los Angeles County Sheriff's Substation.

On June 1, 2010, the Carson Redevelopment Agency approved Resolution No. 10-17, which referred the proposed 2010 amendments to the Redevelopment Plan to the Carson Planning Commission for report and recommendation.

A Preliminary Report (Exhibit No. 3) was prepared by the Agency as an informational document that provides analysis of the reasons for and impacts of the 2010 Amendments. It is prepared and distributed to affected taxing entities such as the County of Los Angeles, school districts, and other entities that levy taxes in the Existing Project Areas as part of the consultation process required by the California Community Redevelopment Law (CRL). In addition, the general public may review this document to learn more about the intended purposes and implications of the 2010 Amendments. During Fall 2010, the Preliminary Report will be updated and expanded to include additional information such as the revised Five-Year Implementation Plan and the results of discussions with taxing entities and presented as the Agency's Report to the Council at a joint public hearing of the Council and Agency Board. On June 9, 2010, the Preliminary Report and the Final Environmental Impact Report were posted on the city's Redevelopment website for public review.

III. Analysis

Planning Commission review of the proposed plan amendments is part of the process required to amend and adopt redevelopment plans under the CRL, Health and Safety Code Section 33000 et seq. CRL requires that the Planning Commission review the proposed amendments to determine its conformity to the City's General Plan. Further, Redevelopment Law permits the Planning Commission to comment and make recommendations to the City Council and Redevelopment Agency regarding the approval and adoption of the Plan Amendment.



The proposed amendments do not alter or change the existing land uses permitted by the Redevelopment Plans (Project Area No. 1, Merged and Amended Plan, and Project Area No. 4) which currently states, "the land uses permitted shall be those permitted by the General Plan and applicable City zoning ordinances as they now exist or may hereafter be amended."

Therefore, staff believes the Planning Commission can make a report of its findings that the proposed amendments are in conformance with the General Plan and recommend approval of the 2010 Merger/Amendments to the Redevelopment Plans for Project Area No. 1, Merged and Amended Project Area, and Project Area No. 4.

IV. Environmental Review

The environmental impacts of the proposed amendments were evaluated in an Environmental Impact Report (EIR), which was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA). The 45-day public review period was initiated on April 1, 2010, ending on May 17, 2010. (Exhibit No. 4)

V. Recommendation

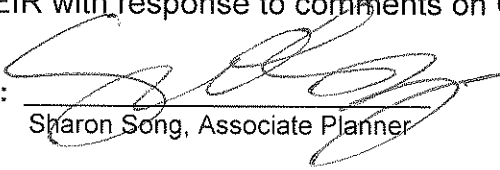
That the Planning Commission:

- MAKE a finding that the 2010 Merger/Amendments to the Redevelopment Plan for Project Area No. 1, Merged and Amended Project Area, and Project Area No. 4 are in conformance with the General Plan; and
- WAIVE further reading and ADOPT Resolution No. 10-_____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON MAKING ITS REPORT AND RECOMMENDATION ON THE 2010 MERGER/AMENDMENTS TO THE REDEVELOPMENT PLANS FOR PROJECT AREA NO. 1, MERGED AND AMENDED PROEJCT AREA, AND PROJECT AREA NO. 4."

VI. Exhibits

1. Draft Resolution
2. Amendments to RDA Plan
3. Preliminary Report on CD (Distributed on June 8, 2010)
4. Final EIR with response to comments on CD (Distributed on June 8, 2010)

Prepared by:


Sharon Song, Associate Planner

Approved by:


John F. Signo, AICP, Senior Planner

Planning Commission Staff Report
June 22, 2010
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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON MAKING ITS REPORT AND
RECOMMENDATION ON THE 2010 MERGER/AMENDMENTS
TO THE REDEVELOPMENT PLANS FOR PROJECT AREA NO.
1, MERGED AND AMENDED PROJECT AREA, AND PROJECT
AREA NO. 4**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AS FOLLOWS:**

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33300 *et seq.*, "CRL"), in 1971, the City Council of the City of Carson ("City Council") adopted the Redevelopment Plan for Project Area No. 1; in 1996 the City Council adopted the Redevelopment Plan for the Merged and Amended Project Area; in 2002, the City Council adopted the Redevelopment Plan for Project Area No. 4; and

WHEREAS, the Carson Redevelopment Agency ("Agency") has prepared the proposed amendments to the Redevelopment Plans for Project Area No.1, Merged and Amended Project Area, and Project Area No. 4 ("Existing Project Areas") to merge the Existing Project Areas into the Carson Consolidated Project Area, extend eminent domain in certain areas of the Existing Project Areas, and add one capital improvement project to Project Area No. 1 ("2010 Merger/Amendments"); and

WHEREAS, Sections 33346 and 33453 of the CRL provide that before a proposed amendment to a redevelopment plan is submitted to the legislative body for adoption, the redevelopment agency shall submit the proposed amendment to the planning commission for its report and recommendation, including a determination as to whether the proposed amendment is in conformity with the jurisdiction's general plan; and

WHEREAS, the General Plan of the City of Carson ("City") has been prepared and adopted in compliance with California Planning and Zoning Law (Government Code Section 65399 *et seq.*); and

WHEREAS, Section 65402 of the Government Code provides, in part:

"(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes,

and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof...."

"(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof..."; and

WHEREAS, the above-required report and recommendation, including matters referred to in Sections 33346 and 33453 of the CRL and Section 65402 of the Government Code are to be made to the Agency and the City Council for their consideration in acting on the adoption of the proposed 2010 Merger/Amendments; and

WHEREAS, the Agency has submitted to the Planning Commission the proposed 2010 Merger/Amendments; and

WHEREAS, the Planning Commission has considered the staff report, supporting documents, and public testimony in making its decision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carson orders as follows:

SECTION 1. Findings. The Planning Commission hereby finds and determines that:

(a) Pursuant to Sections 33346 and 33453 of the CRL, the proposed 2010 Merger/Amendments to the Redevelopment Plans for the Project Area No.1, Merged and Amended Project Area, and Project Area No. 4 conforms to the General Plan of the City of Carson. This finding is based on the fact, as more particularly described in the staff report accompanying this resolution, that 2010 Merger/Amendments provides that the uses to be permitted within the Carson Consolidated Project Area shall be the same uses designated in and permitted by the City's General Plan, both as it currently exists and as it may be amended from time to time.

(b) With respect to Section 65402 of the Government Code, the activities that may be undertaken within the Carson Consolidated Project Area pursuant to the proposed 2010 Merger/Amendments to the Redevelopment Plans for Project Area



No.1, Merged and Amended Project Area, and Project Area No. 4 conform to the City's General Plan. This finding is based on the fact, as more particularly described in the staff report accompanying this resolution, that the 2010 Merger/Amendments provides that the uses to be permitted within the Carson Consolidated Project Area shall be the same uses designated in and permitted by the City's General Plan, both as it currently exists and as it may be amended from time to time.

SECTION 2. Report and Recommendation.

(a) The Planning Commission hereby reports to the Agency and the City Council the findings referred to in Section 1 hereof.

(b) The Planning Commission hereby recommends the approval and adoption of the proposed 2010 Merger/Amendments to the Redevelopment Plans for Project Area No.1, Merged and Amended Project Area, and Project Area No. 4 in the form attached to the staff report accompanying this resolution. In the event that prior to the adoption of the 2010 Merger/Amendments, the Agency or City Council desire to make any minor technical or clarifying changes to the proposed 2010 Merger/Amendments or any documents related thereto, the Planning Commission hereby finds and determines that any such minor technical or clarifying changes need not be referred to it for further report and recommendation.

SECTION 3. Transmittal. The Secretary of the Planning Commission shall transmit a certified copy of this resolution to the Agency and the City Council for consideration as part of the Agency's Report to the City Council pursuant to Section 33352 of the CRL, and this resolution shall be deemed the report and recommendation of the Planning Commission concerning the proposed 2010 Merger/Amendments to the Redevelopment Plans for Project Area No.1, Merged and Amended Project Area, and Project Area No. 4 , including contemplated public projects and activities thereunder, as required by applicable provisions of law.

SECTION 4. The Secretary shall certify as to the adoption of this resolution.

APPROVED AND ADOPTED this 22nd day of June, 2010.

CHAIRPERSON

ATTEST:

SECRETARY



2010 PROPOSED AMENDMENTS TO PROJECT AREA NO. 1, MERGED AND AMENDED PROJECT AREA, AND PROJECT AREA NO. 4

The 2010 Proposed Amendments would amend each of the Redevelopment Plans for Redevelopment Project Area No. 1, Merged and Amended Project Area, and Project Area No. 4 to merge the respective project areas to create the Carson Consolidated Project Area. In addition, the 2010 Amendments include the following amendments to the Redevelopment Plans for the component project areas that are also incorporated into the respective Plans hereby:

Redevelopment Project Area No. One

1. Section 503 of the Redevelopment Plan for Redevelopment Project Area No. One (attached hereto as Exhibit A) is hereby amended to read as follows:

503 – Acquisition of Real Property

The Agency may acquire real property, any interest in property, and any improvements on it by any means authorized by law including, without limitation, by gift, grant, exchange, purchase, cooperative negotiations, lease, option, bequest, devise, or eminent domain.

To the extent required by law, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owners, unless: (1) such building requires structural alteration, improvements, modernization or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions, and controls of this Plan and the owner fails or refuses to participate in the Plan by executing an Owner Participation Agreement.

~~*Except as otherwise provided herein, or otherwise provided by law, no eminent domain proceeding to acquire property within the Project Area shall be commenced:*~~

- ~~*a) For the territory included in the original boundaries of Redevelopment Project Area No. One as described and defined in the redevelopment plan approved and adopted by Ordinance No. 71-205 on December 20, 1974 ("redevelopment Project Area No. One Original Area"): After January 5, 1999.*~~
- ~~*b) For the area added to the Redevelopment Project Area No. One Original Area by the fourth amendment to the redevelopment plan, as described in the redevelopment plan approved and adopted by Ordinance No. 84-696 on July 16, 1984 ("redevelopment Project Area No. One 1984 Amended Area"): After June 21, 2008.*~~
- ~~*c) For the area added to the Redevelopment Project Area No. One by the sixth amendment to the redevelopment plan, as described in the redevelopment plan approved and adopted on July 16, 1996 by City Council Ordinance No. 96-1094 ("Redevelopment Project Area No. One Sixth Amended Area"): After twelve (12) years following the date of adoption of the Adopting Ordinance.*~~



The Agency may not acquire, by eminent domain, any residentially zoned property on or any property on which a person or persons which any persons reside within the Redevelopment Project Area No. One 1984 Amended Area, except if pursuant to Section 9142 of the Carson Municipal Code, such person or persons reside in a caretaker's or superintendent's residence which is a minor use related to and incidental to the principal industrial use on the same site.

The Agency's authority to acquire property by eminent domain within Redevelopment Project Area No. One shall be re-instated and/or extended as follows:

- a) For Redevelopment Project Area No. One – Original Area: Extended until the expiration of the Plan on December 20, 2014. The Agency's authority to acquire property by eminent domain shall not extend beyond the expiration of the Plan, unless at least one of the following circumstances, if any, are applicable: (1) to pay previously incurred debt; (2) to enforce existing covenants or contracts; or (3) to fulfill the Agency's affordable housing obligations. In the event one of the above exceptions is found to apply beyond the expiration of the Plan, the Agency's authority to exercise eminent domain shall be until [INSERT DATE OF EXPIRATION].
 - b) For Redevelopment Project Area No. One – 1984 Amended Area: Re-instated and extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.
 - c) For Redevelopment Project Area No. One – 1996 Amended Area: Re-instated and extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.
2. Exhibit C to the Redevelopment Plan for Redevelopment Project Area No. One is hereby amended to add the following public improvement project:
- Los Angeles County Sheriff Station Renovation and Expansion

Merged and Amended Redevelopment Project

Section 503 of the Redevelopment Plan for Merged and Amended Project Area (attached hereto as Exhibit B) is hereby amended to read as follows:

503 – Acquisition of Real Property

The Agency may acquire real property, any interest in property, and any improvements on it by any means authorized by law including, without limitation, by gift, grant, exchange, purchase, cooperative negotiations, lease, option, bequest, devise, or eminent domain.

To the extent required by law, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owners, unless: (1) such building requires structural alteration, improvements, modernization or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions, and controls of this Plan and the owner fails or refuses to participate in the Plan by executing an Owner Participation Agreement.

~~*Except as otherwise provided herein, or otherwise provided by law, no eminent domain proceeding to acquire property within the Project Area shall be commenced:*~~

- ~~*a) For the territory included in the original boundaries of Redevelopment Project No. Two, as described and defined in the redevelopment plan approved and adopted by Ordinance No. 74-295 of the City, as amended by Amendment No. 1 to the Redevelopment Plan, approved and adopted by ordinance No. 74-324 of the City on January 20, 1975 ("Redevelopment Project Area No. Two Original Area"); After February 4, 1999.*~~
- ~~*b) For the area added to Redevelopment Project Area No. Two by the third amendment to the redevelopment plan, as described and defined in the redevelopment plan approved and adopted on December 22, 1982 by Ordinance No. 82-628 ("Redevelopment Project Area No. Two 1982 Amended Area") of the City: No active eminent domain provision; authority expired on January 22, 1994.*~~
- ~~*c) For the territory included in the original boundaries of Redevelopment Project Area No. Three, as described and defined in the Redevelopment Plan, as amended on _____, 1996 by Ordinance No. _____ of the City ("Redevelopment Project Area No. Three Original Area"); Twelve (12) years following the effective date of Ordinance No. _____ of the City Council adopted on _____, 1996.*~~
- ~~*d) For the area added to the Redevelopment Project Area No. Two by the Fifth Amendment to the Redevelopment Plan for Redevelopment Project Area No. 2, adopted by Ordinance No. _____ of the City County adopted on _____ ("Redevelopment Project Area No. Two Fifth Amended Area") and the area added to the Redevelopment Project Area No. Three area by the second*~~

~~amendment to the Redevelopment Plan for Redevelopment Project Area No. Three adopted by Ordinance No. _____ of the City adopted on _____ ("Redevelopment Project Area No. Three Second Amended Area"): After twelve (12) years following the date of adoption of the Adopting Ordinances.~~

The Agency may not acquire, by eminent domain, any residentially zoned property on or any property on which a person or persons which any persons reside within the Merged and Amended Redevelopment Project Area No. Three Original Area, except if, pursuant to Section 9142 of the Carson Municipal Code, such person or persons reside in a caretaker's or superintendent's residence which is a minor use related to and incidental to the principal industrial use on the same site.

The Agency's authority to acquire property by eminent domain within the Merged and Amended Redevelopment Project Area shall be re-instated and/or extended as follows:

- a) For Redevelopment Project Area No. Two – Original Area: Extended until the expiration of the Plan on February 19, 2017. The Agency's authority to acquire property by eminent domain shall not extend beyond the expiration of the Plan, unless at least one of the following circumstances, if any, are applicable: (1) to pay previously incurred debt; (2) to enforce existing covenants or contracts; or (3) to fulfill the Agency's affordable housing obligations. In the event one of the above exceptions is found to apply beyond the expiration of the Plan, the Agency's authority to exercise eminent domain shall be until [INSERT DATE OF EXPIRATION].
- b) For Redevelopment Project Area No. Two – 1982 Amended Area: Extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.
- c) For Redevelopment Project Area No. Two – Fifth Amended Area: Re-instated and extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.
- d) For Redevelopment Project Area No. Three – Original Area: Re-instated and extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.

- e) For Redevelopment Project Area No. Three – Second Amended Area: Re-instated and extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceedings shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment to the Plan.

Project Area No. 4

Section 332 of the Redevelopment Plan for Project Area No. 4 is hereby amended to read as follows:

332 – Limits on Eminent Domain

It is in the public interest and is necessary in order to eliminate conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain, as limited in this Section, to be employed by the Agency to acquire any interest in real property in the Project Area, which cannot otherwise be acquired by gift, devise, exchange, purchase or any other lawful method pursuant to authorization of this Plan.

Notwithstanding any provisions herein to the contrary, the power of eminent domain is restricted as follows:

- a) For Redevelopment Project Area No. Four: Extended for twelve (12) years following the date of adoption of the ordinance approving and adopting this Amendment to the Plan, until [INSERT DATE OF EXPIRATION]. No eminent domain proceeding to acquire property within the Project Area shall be commenced after twelve (12) years following this Amendment to the Plan, unless such time limitation is extended by a subsequent amendment of the Plan.
- b) *No eminent domain proceeding to acquire real property within the Project Area shall be commenced against any residentially zoned property or any property on which a person or persons reside, except if pursuant to Section 9142 of the Carson Municipal Code, such person or persons reside in a caretaker's or superintendent's residence which is a minor use on the same site. This prohibition shall not apply to any mobile home park or trailer park if less than ten percent (10%) of the spaces in such mobile home park or trailer park are occupied.*
- c) *Subject to paragraph (b) above, the maximum aggregate amount of commercial or industrially zoned property that the Agency may acquire by eminent domain, as evidenced by one or more final judicial orders of condemnation, shall not exceed fifty (50) acres.*

