

Bond Case Briefs

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Redondo Beach Waterfront, LLC v. City of Redondo Beach

Court of Appeal, Second District, Division 3, California - July 9, 2020 - 51 Cal.App.5th 982 - 265 Cal.Rptr.3d 556 - 20 Cal. Daily Op. Serv. 6861 - 2020 Daily Journal D.A.R. 7200

Real estate developer brought actions against city, seeking declaratory judgment that it had obtained statutory vested rights regarding waterfront development project against city which vested before passage of initiative that would substantially curtail project.

Individual residents and resident groups intervened. The Superior Court entered judgment on pleadings for developer, and denied residents and groups' motion for attorney fees and litigation costs. Residents and groups appealed, and appeals were consolidated.

The Court of Appeal held that:

- Developer's right to proceed with project vested as to the city before passage of initiative;
- California Coastal Act did not preclude developer's statutory vested rights claims as to project; and
- Developer's action against city constituted an "actual controversy" ripe for adjudication.

Real estate developer's right to proceed with waterfront development project vested as to the city before passage of initiative that would substantially curtail project, as developer submitted an application for vesting tentative tract map to city, and city notified developer in writing that application was "deemed complete."

California Coastal Act did not preclude real estate developer's statutory vested rights claims as to city waterfront development project, to extent claims related to development in coastal zone; Act and its provision for oversight of local land use decisions in coastal zones coexisted with statutory vested rights provision, and such vested rights flowing from local agency's approval of vesting tentative map bound the local agency, not the state.

Real estate developer's action against city, seeking declaratory judgment that it had obtained statutory vested rights regarding waterfront development project against city which vested before passage of initiative that would substantially curtail project, constituted an "actual controversy" ripe for adjudication; city took position that agreement's force majeure clause had been triggered and that some of its obligations under agreement could be impacted by initiative, and it also suggested it believed the project could be impacted by amendments to local coastal program contained in initiative, virtually guaranteeing a future controversy relating to legal rights and duties of parties.