

Introduced by Senator Lee

February 4, 1997

An act to amend and renumber Section 67575.9 of the Government Code, to amend and renumber Sections 33320.5 and 33320.7 of, to amend and renumber Article 7 (commencing with Section 33493.1) of Chapter 4.5 of Part 1 of Division 24, as added by Chapter 222 of the Statutes of 1996, of, to add a heading as Article 1.5 (commencing with Section 33492.40) to Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33320.6 and 33492.114 of, and to repeal Article 3 (commencing with Section 33492.60) of Chapter 4.5 of Part 1 of Division 24 of, the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as introduced, Lee. Redevelopment: military base closures.

Existing law, known as the Community Redevelopment Law, authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined, in blighted areas of those communities known as project areas. The Community Redevelopment Law contains provisions authorizing the establishment of a redevelopment project area located within the boundaries of a military base that has been closed pursuant to the actions of the federal Defense Base Closure and Realignment Commission.

This bill would reorganize certain provisions relating to the base closure projects of the Community Redevelopment Law by renumbering sections to place them in more appropriate



locations of that law and would additionally correct cross-references in the law. The bill additionally would repeal specified obsolete provisions relating to the closures of Los Angeles Air Force Base and Mather Air Force Base and would repeal a provision expressly applicable to the Tustin Marine Corps Air Station that duplicates a provision applicable generally to redevelopment projects or generally applied to those projects formed pursuant to the base closure provisions and which relate to prohibitions on providing assistance to specified gambling or gaming operations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 67575.9 of the Government
 2 Code is amended and renumbered to read:
 3 ~~67575.9.—~~
 4 67675.9. If an environmental impact statement on the
 5 closure and reuse of Fort Ord has been prepared and filed
 6 pursuant to the National Environmental Policy Act of
 7 1969 (42 U.S.C. Sec. 4321 et seq.), the board may proceed
 8 in the following manner:
 9 (a) A notice of the preparation of an environmental
 10 impact report on the Fort Ord Reuse Plan shall be
 11 prepared pursuant to either Section 21080.4 or *Section*
 12 21080.6 of the Public Resources Code, and shall include a
 13 description of the reuse plan and a copy of the
 14 environmental impact statement. The notice shall
 15 indicate that the board intends to utilize the
 16 environmental impact statement as a draft
 17 environmental impact report and requests comments on
 18 whether, and to what extent, the environmental impact
 19 statement provides adequate information to serve as a
 20 draft environmental impact report, and what specific
 21 additional information, if any, is necessary to comply with
 22 ~~this division~~ *the California Environmental Quality Act*
 23 *(Division 13 (commencing with Section 21000) of the*
 24 *Public Resources Code)*. The notice shall also indicate the



1 address to which written comments may be sent and the
2 deadline for submitting comments.

3 (b) Upon the close of the comment period on the
4 notice of preparation, the board may proceed with
5 preparation of the environmental impact report on the
6 reuse plan. The board shall, to the greatest extent feasible,
7 avoid duplication and utilize information in the
8 environmental impact statement consistent with this
9 division. The draft environmental impact report shall
10 consist of all or part of the environmental impact
11 statement and any additional information that is
12 necessary to prepare a draft environmental impact
13 report in compliance with ~~this division~~ *the California*
14 *Environmental Quality Act*.

15 (c) In all other respects, the environmental impact
16 report for the reuse plan shall be completed in
17 compliance with ~~this division~~ *the California*
18 *Environmental Quality Act*.

19 SEC. 2. Section 33320.5 of the Health and Safety Code
20 is amended and renumbered to read:

21 ~~33320.5.—~~

22 33492.40. (a) Notwithstanding Section 33320.1, the
23 requirement that privately owned land within a project
24 area be “predominantly urbanized,” as that term is
25 defined in subdivision (b) of Section 33320.1, shall not
26 apply to privately owned land within a project area, if the
27 privately owned land is adjacent or in proximity to a
28 military facility or installation which is proposed to be
29 closed pursuant to Public Law 100-526 and the inclusion
30 of the privately owned land is found by an entity formed
31 pursuant to subdivision (b) to be necessary for the
32 effective redevelopment of the military facility or
33 installation and the adjacent area.

34 (b) The legislative bodies for communities having
35 territory within, adjacent to or in proximity to a military
36 facility or installation described in subdivision (a) may
37 create a separate joint powers agency pursuant to
38 Chapter 5 (commencing with Section 6500) of Division
39 7 of Title 1 of the Government Code, which shall have and
40 exclusively exercise powers of an agency in furtherance



1 of the redevelopment of a project area approved by the
2 joint powers agency. The joint powers agency so formed
3 shall include as one of its members the county in which
4 the project area is located. In addition to the powers of an
5 agency, the joint powers agency so formed shall also act
6 as the legislative body and planning commission for all
7 approvals and actions required by this part of legislative
8 bodies and planning commissions for the adoption and
9 implementation of a redevelopment plan. However, all
10 land use, planning, and development decisions with
11 regard to the land within the project area shall continue
12 to be under the control and jurisdiction of each of the
13 respective local legislative bodies or planning
14 commissions, as applicable.

15 (c) The territory included within the project and
16 project area may be contiguous or noncontiguous, and
17 any project area may be located in whole or in part within
18 one or more of the communities impacted by the closure
19 of the military facility or installation, and the land to be
20 included within the project area within the community
21 or communities in proximity to the military facility or
22 installation shall be found necessary for the effective
23 redevelopment of the military facility or installation and
24 the adjacent area. A project area shall not include
25 territory outside the jurisdiction of the communities that
26 are parties to the joint powers agency without the consent
27 of the legislative body having jurisdiction over the
28 territory proposed to be included within the project area.

29 (d) A redevelopment plan for the project area shall
30 contain all of the provisions required by this part.
31 However, if the agency finds, based on substantial
32 evidence on the record, that compliance with the
33 requirements of Sections 33333.2 and 33334.1 would make
34 it impracticable to achieve the policies of this section, the
35 agency may eliminate or modify the requirements of
36 Sections 33333.2 and 33334.1.

37 (e) The redevelopment plan shall provide for either of
38 the following:

39 (1) A Low- and Moderate-Income Housing Fund, as
40 required by Section 33334.2.



1 (2) A deferral for depositing all or part of the 20
2 percent of taxes allocated to the agency pursuant to
3 Section 33670 in the Low- and Moderate-Income Housing
4 Fund if the agency, after conducting a noticed public
5 hearing, makes, and the executive committee of the
6 Southern California Association of Governments reviews
7 and approves, findings supported by substantial evidence
8 that all of the following apply:

9 (A) The military facility or installation cannot be
10 acquired or developed by private enterprise without the
11 assistance of the agency.

12 (B) There are no feasible alternative means of
13 financing the acquisition or development of the military
14 facility or installation other than by utilizing the low- and
15 moderate-income housing portion of the taxes which are
16 allocated to the agency pursuant to subdivision (b) of
17 Section 33670.

18 (C) Failure of the agency to finance the acquisition or
19 development of the military facility or installation would
20 lead to serious economic hardship and job loss.

21 (D) The redevelopment plan shall specify the period
22 during which less than 20 percent of the taxes which are
23 allocated to the agency pursuant to subdivision (b) of
24 Section 33670, is to be deposited in the Low- and
25 Moderate-Income Housing Fund. The redevelopment
26 plan shall also contain a repayment plan which specifies
27 a date at which time the agency will have made up the
28 deficit created by the deferral, including repayment of
29 the interest at the highest rate received by the agency on
30 funds it deposits during the period of deferral. The
31 repayment plan shall reduce the deficit in the shortest
32 feasible time consistent with the needs of the agency, as
33 specified in the agency's findings.

34 (f) The joint powers agency acting as the agency, the
35 legislative body or the planning commission, shall follow
36 all procedures under this part applicable to the adoption
37 and amendment of redevelopment plans, except with
38 respect to Sections 33347.5, 33353 to 33353.6, inclusive,
39 Sections 33354.4 to 33354.6, inclusive, and Section 33385.



1 (g) The agency shall create a fiscal advisory group to
2 consult with each affected taxing agency and to advise
3 and report to the agency in the manner required of a
4 fiscal review committee by Section 33353.5 on any
5 potential fiscal impact upon affected taxing agencies
6 within the project area. The fiscal advisory group shall
7 consist of the financial officer or treasurer of each city and
8 each county which created the joint powers authority.

9 (h) The agency shall prepare and distribute to each
10 affected taxing agency a report which includes the
11 information required by Section 33328. The agency shall
12 also prepare an analysis of the report required of a fiscal
13 review committee pursuant to subdivision (m) of Section
14 33352 and an analysis of the report required of the fiscal
15 advisory group pursuant to subdivision (g).

16 (i) As used in this section, “in proximity to” means
17 within three miles of the boundary of Norton Air Force
18 Base and within eight miles of George Air Force Base.

19 (j) The Legislature finds and declares that the closure
20 of two or more military facilities or installations within the
21 County of San Bernardino will cause serious economic
22 hardship in that county, including loss of jobs, increased
23 unemployment, deterioration of properties and land
24 utilization and undue disruption of the lives and activities
25 of the people. Therefore, the Legislature finds and
26 declares that to avoid serious economic hardship and
27 accompanying blight, it is necessary to enact this act
28 which shall apply only within the County of San
29 Bernardino. In enacting this act, it is the policy of the
30 Legislature to assist communities within the County of
31 San Bernardino in their attempt to preserve the military
32 facilities and installations for their continued use as
33 airports and aviation-related purposes.

34 It is the intent of the Legislature and the commitment
35 of the local authorities to ensure that the existing airfields
36 at both Norton Air Force Base and George Air Force Base
37 are protected, developed, and enhanced as civil aviation
38 public use airports. Therefore, the joint powers
39 authorities authorized by this section should make every
40 reasonable effort to guarantee that these vital airport



1 facilities are retained for general aviation use now and
2 into the future.

3 (k) Any joint powers agreement entered into
4 pursuant to this section shall provide that the financial
5 needs of each of the parties shall be considered prior to
6 adoption of a redevelopment plan, and may provide that
7 the number of years shall be limited during which bonded
8 indebtedness may be paid using taxes which are allocated
9 to the agency pursuant to subdivision (b) of Section
10 33670.

11 (1) A joint powers agency operating within the area of
12 Norton Air Force Base shall appoint a project area
13 citizens committee for the purpose of consultation and
14 advice regarding policy matters that relate to planning
15 and programs affecting the residents, businesses, and
16 educational institutions within the project area,
17 implementation of the redevelopment plan, and the
18 development and implementation of amendments to the
19 redevelopment plan.

20 (2) The committee shall be comprised of residential
21 owners, residential tenants, business owners, small
22 business owners, business tenants, educational institution
23 representatives, and community groups currently
24 operating, living, or working within the project area. The
25 membership of the Project Area Citizens Committee
26 shall be appointed by the legislative body of the agency
27 and shall be representative, both racially and ethnically,
28 of the people who live and work within the project area.

29 (3) For the purposes described above the committee
30 shall meet at least once quarterly or more often to review
31 policy matters and implementation issues as determined
32 necessary by the legislative body.

33 (l) Amendments to any redevelopment plans adopted
34 pursuant to this section shall not be required to comply
35 with the provisions of Section 33452, provided that notice
36 of the public hearing for any amendment adopted
37 pursuant to Section 33540, and following, is published
38 pursuant to Section 6063 of the Government Code and
39 mailed by regular mail to the governing body of each of
40 the taxing agencies which levies taxes upon any property



1 in the project area designated in the redevelopment plan
2 as proposed to be amended.

3 SEC. 3. Section 33320.6 of the Health and Safety Code
4 is repealed.

5 ~~33320.6. (a) The Legislature finds and declares all of~~
6 ~~the following:~~

7 ~~(1) The threatened closure of the Los Angeles Air~~
8 ~~Force Base within the County of Los Angeles will, if not~~
9 ~~averted through utilization of the powers set forth in this~~
10 ~~section, cause serious economic hardship throughout the~~
11 ~~State of California and its defense and aerospace~~
12 ~~industries, including the loss of tens of thousands of jobs~~
13 ~~and the loss to the State of California of an annual~~
14 ~~multibillion dollar expenditure budget, increased~~
15 ~~unemployment, deterioration of properties and land~~
16 ~~utilization, and undue disruption of the lives and~~
17 ~~activities of the people of the area. This threatened~~
18 ~~closure is based in large part on an inadequate supply of~~
19 ~~affordable housing for low- and moderate-income~~
20 ~~persons and families employed by or serving at the Los~~
21 ~~Angeles Air Force Base.~~

22 ~~(2) To avoid serious economic hardship and~~
23 ~~accompanying blight, it is necessary to enact the act~~
24 ~~which adds this section, which shall apply only within the~~
25 ~~County of Los Angeles, and which is adopted only for the~~
26 ~~purpose of retaining the Los Angeles Air Force Base. In~~
27 ~~enacting this act, it is the policy of the Legislature to assist~~
28 ~~communities within the County of Los Angeles which are~~
29 ~~located in proximity to the Los Angeles Air Force Base in~~
30 ~~their attempt to preserve the affected military facilities~~
31 ~~and installations for their continued use as the Los~~
32 ~~Angeles Air Force Base, and to protect and enhance these~~
33 ~~vital facilities by, among other things, ensuring an~~
34 ~~adequate supply of affordable housing in proximity to the~~
35 ~~Los Angeles Air Force Base.~~

36 ~~(3) The cost and availability of land, construction costs,~~
37 ~~geophysical and environmental constraints, household~~
38 ~~incomes, the market for affordable housing, commuting~~
39 ~~patterns, and fiscal and other related factors make it~~
40 ~~infeasible for a single community acting alone, limited to~~



1 ~~its own resources, to provide the entire supply of~~
2 ~~affordable housing necessary to ensure the retention of~~
3 ~~the Los Angeles Air Force Base. It is, therefore, necessary~~
4 ~~and appropriate that agencies in those communities in~~
5 ~~proximity to the Los Angeles Air Force Base be~~
6 ~~permitted, under specified conditions, to pool their~~
7 ~~resources to retain the Los Angeles Air Force Base. It is~~
8 ~~necessary that these communities possess the limited~~
9 ~~ability to use their tax-increment moneys outside their~~
10 ~~individual communities for these limited purposes.~~

11 ~~(b) The agencies for communities having territory in~~
12 ~~proximity to the Los Angeles Air Force Base and the~~
13 ~~community in which the Los Angeles Air Force Base is~~
14 ~~located may create a separate joint powers agency~~
15 ~~pursuant to Chapter 5 (commencing with Section 6500)~~
16 ~~of Division 7 of Title 1 of the Government Code, which~~
17 ~~joint powers agency shall have, and exercise, powers of an~~
18 ~~agency within the territorial jurisdiction of one or more~~
19 ~~of the members of that joint powers agency, as found by~~
20 ~~this joint powers agency to be necessary and desirable to~~
21 ~~provide for the retention of the Los Angeles Air Force~~
22 ~~Base. All land use, planning, and development decisions~~
23 ~~with regard to land which is developed or redeveloped by~~
24 ~~the joint powers agency shall continue to be under the~~
25 ~~control and jurisdiction of the respective local legislative~~
26 ~~bodies or planning commissions, as applicable, of the~~
27 ~~community in which the land is located.~~

28 ~~(c) The powers of the joint powers agency shall be~~
29 ~~utilized in accordance with a “Los Angeles Air Force Base~~
30 ~~Retention Program” to be formulated and approved by~~
31 ~~the joint powers agency consistent with this section. The~~
32 ~~Los Angeles Air Force Base Retention Program shall not~~
33 ~~be implemented unless and until the legislative body of~~
34 ~~each of the communities having an agency which shall~~
35 ~~expend its tax-increment moneys outside of its territorial~~
36 ~~jurisdiction in implementing the program, adopts an~~
37 ~~ordinance approving the Los Angeles Air Force Base~~
38 ~~Retention Program. The expenditure of tax-increment~~
39 ~~moneys outside of the territorial jurisdiction of each~~
40 ~~agency involved, as contemplated by the program, as well~~



1 as the program itself, shall, upon the adoption of each
2 ordinance, be deemed to be a part of each redevelopment
3 plan for each redevelopment project generating the
4 tax-increment moneys to be expended in carrying out the
5 program, as if each redevelopment plan had been
6 amended to include the program and those expenditures.
7 However, in adopting the ordinance, neither the
8 legislative body nor the agency is required to comply with
9 Article 12 (commencing with Section 33450) or any other
10 provision of this part relating to the amendment of
11 redevelopment plans. The joint powers agency may
12 amend the Los Angeles Air Force Base Retention
13 Program from time to time. The procedure for amending
14 the ordinance required by this section shall be the same
15 as for adopting the ordinance under this section.

16 (d) As used in this section:

17 (1) “In proximity to” means located within the County
18 of Los Angeles.

19 (2) “Tax-increment moneys” shall mean all
20 tax-increment moneys allocated to the agency, including,
21 but not limited to, low- and moderate-income housing
22 funds.

23 (e) Notwithstanding subdivision (c) of Section 33334.3
24 or Section 33670, an agency may use tax-increment
25 moneys to develop housing outside of the territorial
26 jurisdiction of the agency pursuant to this section and
27 consistent with the provisions of a Los Angeles Air Force
28 Base Retention Program approved and adopted pursuant
29 to this section, if each agency involved finds that no other
30 reasonable means of financing this housing are available
31 in sufficient amount.

32 (f) Each of the following conditions shall be met
33 before an agency may use tax-increment moneys to
34 develop housing outside its territorial jurisdiction
35 pursuant to this section or to lend, pay, or advance these
36 funds to the joint powers agency pursuant to this section:

37 (1) The housing shall be affordable to
38 moderate income households, lower income households,
39 or very low income households, as those terms are defined
40 in Sections 50052.5 and 50053.



1 ~~(2) The joint powers agency shall enter into a mutually~~
2 ~~acceptable, binding agreement with the community in~~
3 ~~which the housing will be developed. The contract shall~~
4 ~~specify the terms and conditions under which the housing~~
5 ~~will be developed. The contract shall specify the~~
6 ~~responsibilities of the joint powers agency and the~~
7 ~~community in which the housing will be developed.~~

8 ~~(3) The contract shall contain a provision that allows~~
9 ~~the Attorney General or any other interested person to~~
10 ~~enforce the terms of the contract.~~

11 ~~(4) The community in which the housing will be~~
12 ~~developed shall be the County of Los Angeles, or a city in~~
13 ~~the County of Los Angeles, located in proximity to the Los~~
14 ~~Angeles Air Force Base or Fort MacArthur.~~

15 ~~(5) (A) Moneys from the low and moderate income~~
16 ~~housing fund shall be used in the community in which the~~
17 ~~housing will be developed to pay for the costs of~~
18 ~~developing housing as permitted by subdivision (e) of~~
19 ~~Section 33334.2.~~

20 ~~(B) Notwithstanding subparagraph (A), low and~~
21 ~~moderate income housing moneys may not be used for~~
22 ~~offsite improvements.~~

23 ~~(6) (A) The joint powers agency or the community in~~
24 ~~which the housing will be developed shall not spend~~
25 ~~money in a low and moderate income housing fund in~~
26 ~~any way which is inconsistent with the requirements of~~
27 ~~Section 33334.3.~~

28 ~~(B) Notwithstanding subdivision (e) of Section~~
29 ~~33334.3, neither the agency nor the community shall~~
30 ~~spend low and moderate income housing moneys for~~
31 ~~administrative costs, salaries, or wages, except for legal,~~
32 ~~architectural, and engineering costs and other salaries,~~
33 ~~wages, and costs directly related to the planning and~~
34 ~~execution of the development of the housing which is~~
35 ~~authorized by this section.~~

36 ~~(7) Each of the agencies whose low and~~
37 ~~moderate income housing fund moneys are to be~~
38 ~~expended pursuant to this section shall be in compliance~~
39 ~~with all applicable replacement housing requirements of~~
40 ~~this part.~~



1 ~~(8) The maximum aggregate number of dwelling units~~
2 ~~developed with moneys transferred to the joint powers~~
3 ~~agency from the low- and moderate-income housing~~
4 ~~funds of its member agencies pursuant to this section shall~~
5 ~~be 300 dwelling units.~~

6 ~~(9) No agency shall transfer to the joint powers agency~~
7 ~~pursuant to this section an amount more than:~~

8 ~~(A) Fifty percent of the balance of its low- and~~
9 ~~moderate-income housing fund moneys reflected in the~~
10 ~~accounts of the agency on June 30, 1992.~~

11 ~~(B) Fifty percent of the total amount required by~~
12 ~~Sections 33334.2 and 33334.6 to be set aside by the agency~~
13 ~~in its low- and moderate-income housing fund for all~~
14 ~~redevelopment projects for each fiscal year commencing~~
15 ~~with the 1992-93 fiscal year and for each fiscal year~~
16 ~~thereafter.~~

17 ~~(g) (1) If any housing occupied by persons or families~~
18 ~~of very low, low, or moderate income is destroyed by the~~
19 ~~development of housing pursuant to the authority of this~~
20 ~~section, displaced residents from the destroyed housing~~
21 ~~shall be provided with relocation benefits which result in~~
22 ~~the additional replacement housing payment required by~~
23 ~~Section 7264 of the Government Code, enabling the~~
24 ~~person to lease or rent a comparable replacement~~
25 ~~dwelling for a period not to exceed 96 months, instead of~~
26 ~~48 months as required by Section 7264 of the Government~~
27 ~~Code.~~

28 ~~(2) If any housing occupied by persons or families of~~
29 ~~very low, low, or moderate income is destroyed by the~~
30 ~~development of housing pursuant to the authority of this~~
31 ~~section, the destroyed housing shall be replaced with~~
32 ~~housing of the same or greater size and shall be affordable~~
33 ~~in direct proportion to the displaced income groups, and~~
34 ~~shall be provided simultaneously with the housing~~
35 ~~developed pursuant to the authority of this section.~~

36 ~~(h) In the event the Los Angeles Air Force Base~~
37 ~~relocates from its current location prior to the substantial~~
38 ~~commencement of construction of the housing~~
39 ~~authorized to be developed pursuant to the authority of~~
40 ~~this section, all low- and moderate-income housing funds~~



1 ~~which have been transferred to the joint powers agency~~
2 ~~pursuant to this section shall be returned by the joint~~
3 ~~powers agency to the agencies that originally transferred~~
4 ~~the funds in ratable portion to the proportion of the~~
5 ~~transferred funds that were transferred from each~~
6 ~~agency. However, nothing in this subdivision shall~~
7 ~~require the joint powers agency to return any funds that~~
8 ~~have been expended or committed for the purposes of the~~
9 ~~joint powers agency or which are necessary to pay any~~
10 ~~indebtedness of the joint powers agency.~~

11 ~~(i) The joint powers agency established in accordance~~
12 ~~with this section shall require, as a condition precedent to~~
13 ~~the expenditure of any tax increment moneys to carry out~~
14 ~~the Los Angeles Air Force Base Retention Program, that~~
15 ~~the real property on which the housing is developed~~
16 ~~pursuant to the program shall be burdened with~~
17 ~~covenants running with the land for the period and with~~
18 ~~the substance required by Section 33334.3. The joint~~
19 ~~powers agency shall also require that these covenants~~
20 ~~include a mechanism that shall ensure the continued~~
21 ~~availability of the dwelling units for very low, low, or~~
22 ~~moderate income persons and families for the period~~
23 ~~required by Section 33334.3 in the event the Los Angeles~~
24 ~~Air Force Base relocates or, for any other reason, no~~
25 ~~longer utilizes these dwelling units, or, in the absence of~~
26 ~~this continued availability, implements a procedure that~~
27 ~~protects the joint powers agency's investment of low- and~~
28 ~~moderate-income housing moneys and provides for the~~
29 ~~pro rata return of the sales proceeds to the low- and~~
30 ~~moderate-income housing funds of those agencies~~
31 ~~expending these funds to carry out the Los Angeles Air~~
32 ~~Force Base Retention Program.~~

33 ~~(j) This section shall remain in effect only until~~
34 ~~January 1, 1995, and as of that date is repealed, unless a~~
35 ~~later enacted statute, which is chaptered before January~~
36 ~~1, 1995, deletes or extends that date, or unless~~
37 ~~tax-increment moneys have, prior to that date, been~~
38 ~~received by the joint powers agency, in which case the~~
39 ~~date of repeal of this section shall be extended until the~~
40 ~~time that the joint powers agency shall expend these~~



1 ~~funds in accordance with this section. This repeal shall not~~
2 ~~affect any contract or covenant which shall have been~~
3 ~~entered into prior to January 1, 1995, to implement this~~
4 ~~section, and all contracts and covenants shall continue~~
5 ~~after the repeal date in full force and effect in accordance~~
6 ~~with their terms.~~

7 ~~(k) (1) On or before July 1, 1994, no agency shall~~
8 ~~transfer funds to the joint powers agency pursuant to this~~
9 ~~section unless and until the community that activated the~~
10 ~~agency has met at least 10 percent of its share of the~~
11 ~~regional housing needs, for both the prior and current~~
12 ~~housing element cycle of revisions as established~~
13 ~~pursuant to Section 65584 of the Government Code.~~

14 ~~(2) Paragraph (1) of this subdivision shall not apply to~~
15 ~~any agency after July 1, 1994. However, any transfer of~~
16 ~~funds that is all or part of the excess surplus of an agency's~~
17 ~~low- and moderate-income housing fund, as defined in~~
18 ~~paragraph (1) of subdivision (e) of Section 33334.12, shall~~
19 ~~be deemed to be transferred from that portion of the~~
20 ~~excess surplus that was most recently deposited in the~~
21 ~~fund.~~

22 SEC. 4. Section 33320.7 of the Health and Safety Code
23 is amended and renumbered to read:

24 ~~33320.7.—~~

25 ~~33492.41.~~ (a) Notwithstanding Section 21090 of the
26 Public Resources Code, the Inland Valley Development
27 Agency may determine at a noticed public hearing that
28 the amendment of a redevelopment plan for the Norton
29 Air Force Base Redevelopment Project Area pursuant to
30 this chapter is not subject to the California
31 Environmental Quality Act (Division 13 (commencing
32 with Section 21000) of the Public Resources Code),
33 except that projects implementing the redevelopment
34 plan, including specific plans, rezonings, and ministerial
35 projects that may have a significant effect on the
36 environment, shall be subject to the California
37 Environmental Quality Act. The environmental
38 document for any implementing project shall include an
39 analysis and mitigation of potential cumulative impacts



1 that otherwise will not be known until an environmental
2 impact report for the redevelopment plan is certified.

3 (b) The notice of the public hearing required
4 pursuant to subdivision (a) shall include the date, time,
5 and place of the hearing, a brief description of the
6 proposed project and its location, the date when notice
7 will be provided pursuant to Section 21092 of the Public
8 Resources Code, and the address where copies of the
9 notice of exemption are available for review.

10 (c) The notice required by this section shall be given
11 to all organizations and individuals who have previously
12 requested notice pursuant to the California
13 Environmental Quality Act, and shall be given by
14 publication, no fewer times than required by Section 6061
15 of the Government Code, by the public agency in a
16 newspaper of general circulation in the area affected by
17 the proposed project.

18 (d) If the Inland Valley Development Agency
19 determines, pursuant to subdivision (a), that the
20 amendment of a redevelopment plan is not subject to the
21 California Environmental Quality Act, the
22 redevelopment agency shall prepare and certify an
23 environmental impact report for the redevelopment
24 plan amendment within 12 months after the effective
25 date of the ordinance amending the redevelopment plan.

26 (e) An environmental impact report prepared and
27 certified for a specific plan or other comprehensive land
28 use plan for the applicable portion of the Inland Valley
29 Redevelopment Project Area shall satisfy the
30 requirement of subdivision (d) if the plan covers the
31 same area and project as the amendment to the
32 redevelopment plan and is certified within 12 months
33 after the effective date of the ordinance amending the
34 redevelopment plan.

35 (f) The redevelopment agency shall revise the
36 redevelopment plan if necessary to mitigate any impacts
37 and comply with the California Environmental Quality
38 Act and adopt mitigation measures as conditions of
39 project approval.



1 (g) This section shall only apply to a redevelopment
 2 plan amendment approved on or before September 1,
 3 1995.

4 SEC. 5. A heading is added as Article 1.5
 5 (commencing with Section 33492.40) of Chapter 4.5 of
 6 Part 1 of Division 24 of the Health and Safety Code, to
 7 read:

8
 9 Article 1.5. Norton Air Force Base and George Air
 10 Force Base Redevelopment Project Areas
 11

12 SEC. 6. Article 3 (commencing with Section
 13 33492.60) of Chapter 4.5 of Part 1 of Division 24 of the
 14 Health and Safety Code is repealed.

15 SEC. 7. Section 33492.114 of the Health and Safety
 16 Code is repealed.

17 ~~33492.114. (a) Notwithstanding any provision of this~~
 18 ~~part to the contrary, including, but not limited to,~~
 19 ~~Sections 33391, 33420, 33433, and 33445, no agency shall~~
 20 ~~provide any form of direct or indirect assistance to a~~
 21 ~~development or business for the purpose of establishing,~~
 22 ~~improving, or maintaining a gambling enterprise of any~~
 23 ~~kind whatsoever, including, but not limited to, casinos,~~
 24 ~~gaming clubs, bingo operations, or any facility wherein~~
 25 ~~banked or percentage games, any form of gambling~~
 26 ~~device, or lottery, other than the California State Lottery,~~
 27 ~~are or will be played.~~

28 ~~(b) The prohibition in subdivision (a) is not intended~~
 29 ~~to prohibit a redevelopment agency from acquiring~~
 30 ~~property on or in which a gambling enterprise is located,~~
 31 ~~for the purpose of selling or leasing the property for uses~~
 32 ~~other than gambling, if the agency acquires the property~~
 33 ~~for fair market value.~~

34 SEC. 8. Article 7 (commencing with Section 33493.1)
 35 of Chapter 4.5 of Part 1 of Division 24 of the Health and
 36 Safety Code, as added by Chapter 222 of the Statutes of
 37 1996, is amended and renumbered to read:

38



1 Article 7 8. The Alameda Naval Air Station and the
2 Fleet Industrial Supply Center

3
4 ~~33493.1.—~~

5 33492.125. With the enactment of this article, it is the
6 intent of the Legislature to provide for precise and
7 specific means to mitigate the very serious economic
8 effects of the closure of the Alameda Naval Air Station
9 and the Fleet Industrial Supply Center on the City of
10 Alameda, surrounding cities, and the County of Alameda
11 by facilitating the planning and implementation of the
12 reuse and redevelopment of the lands comprising the
13 Naval Air Station and the Fleet Industrial Supply Center
14 located in the City of Alameda and the surrounding areas
15 in accordance with land use plans and a redevelopment
16 plan that are in effect prior to the disposition of lands by
17 the federal government.

18 ~~33493.2.—~~

19 33492.127. A redevelopment plan covering all or part
20 of the lands of the Alameda Naval Air Station and the
21 Fleet Industrial Supply Center Redevelopment Project
22 may be adopted pursuant to Article 1 (commencing with
23 Section 33492), provided that the project area shall not
24 include territory outside the boundaries of the Alameda
25 Naval Air Station and the Fleet Industrial Supply Center.

26 ~~33493.3.—~~

27 33492.129. Notwithstanding Section 33492.9 or any
28 other provision of law, the redevelopment agency shall
29 make payments to affected taxing entities required by
30 Section 33607.5.

31 ~~33493.4.—~~

32 33492.131. (a) Dwelling units, as defined, in the
33 Alameda Naval Air Station and the Fleet Industrial
34 Supply Center Project Area made available to a member
35 of the Homeless Collaborative pursuant to the Base
36 Closure Community Redevelopment and Homeless
37 Assistance Act of 1994 (Part A of Title XXIX of Public Law
38 101-510; 10 U.S.C. Sec. 2687 note), and in particular
39 Section (7) (C) through (O) thereof, and thereafter
40 substantially rehabilitated, shall be deemed substantially

1 rehabilitated units for purposes of determining the
2 compliance of the Alameda Naval Air Station and the
3 Fleet Industrial Supply Center redevelopment agency
4 with the provisions of subdivision (b) of Section 33413.

5 (b) For the purposes of this section “dwelling units”
6 means permanent or transitional residential units, and
7 does not mean student dormitory rooms or overnight
8 emergency shelter beds.

9 (c) For the purposes of this section “substantially
10 rehabilitated” means rehabilitation, the value of which
11 constitutes 25 percent of the after rehabilitation value of
12 the dwelling, inclusive of land value.

