

AMENDED IN SENATE MARCH 10, 1997

**SENATE BILL**

**No. 258**

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**Introduced by Senator Lee**

February 4, 1997

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An act to amend and renumber Section 67575.9 of the Government Code, *to amend Section 33492.4 of*, 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 amended, 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. *Existing law provides that the general provisions of the Community*

*Redevelopment Law relating to procedures of redevelopment agencies are applicable to any project area formed pursuant to the provisions relating to military base closures except to the extent that the general provisions are inconsistent therewith.*

*This bill would revise those provisions to state that it is the intent of the Legislature to create a uniform procedure for redeveloping closed or realigned military bases and would provide that the general provisions of the Community Redevelopment Law apply to any project area formed for the purpose of redeveloping a closed or realigned military base, except where the general provisions are inconsistent therewith, in which case a redevelopment agency would be permitted to use either set of provisions.*

This bill *also* 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 67675.9. If an environmental impact statement on the  
 4 closure and reuse of Fort Ord has been prepared and filed  
 5 pursuant to the National Environmental Policy Act of  
 6 1969 (42 U.S.C. Sec. 4321 et seq.), the board may proceed  
 7 in the following manner:



1 (a) A notice of the preparation of an environmental  
2 impact report on the Fort Ord Reuse Plan shall be  
3 prepared pursuant to either Section 21080.4 or Section  
4 21080.6 of the Public Resources Code, and shall include a  
5 description of the reuse plan and a copy of the  
6 environmental impact statement. The notice shall  
7 indicate that the board intends to utilize the  
8 environmental impact statement as a draft  
9 environmental impact report and requests comments on  
10 whether, and to what extent, the environmental impact  
11 statement provides adequate information to serve as a  
12 draft environmental impact report, and what specific  
13 additional information, if any, is necessary to comply with  
14 the California Environmental Quality Act (Division 13  
15 (commencing with Section 21000) of the Public  
16 Resources Code). The notice shall also indicate the  
17 address to which written comments may be sent and the  
18 deadline for submitting comments.

19 (b) Upon the close of the comment period on the  
20 notice of preparation, the board may proceed with  
21 preparation of the environmental impact report on the  
22 reuse plan. The board shall, to the greatest extent feasible,  
23 avoid duplication and utilize information in the  
24 environmental impact statement consistent with this  
25 division. The draft environmental impact report shall  
26 consist of all or part of the environmental impact  
27 statement and any additional information that is  
28 necessary to prepare a draft environmental impact  
29 report in compliance with the California Environmental  
30 Quality Act.

31 (c) In all other respects, the environmental impact  
32 report for the reuse plan shall be completed in  
33 compliance with the California Environmental Quality  
34 Act.

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

37 33492.40. (a) Notwithstanding Section 33320.1, the  
38 requirement that privately owned land within a project  
39 area be “predominantly urbanized,” as that term is  
40 defined in subdivision (b) of Section 33320.1, shall not



1 apply to privately owned land within a project area, if the  
2 privately owned land is adjacent or in proximity to a  
3 military facility or installation which is proposed to be  
4 closed pursuant to Public Law 100-526 and the inclusion  
5 of the privately owned land is found by an entity formed  
6 pursuant to subdivision (b) to be necessary for the  
7 effective redevelopment of the military facility or  
8 installation and the adjacent area.

9 (b) The legislative bodies for communities having  
10 territory within, adjacent to or in proximity to a military  
11 facility or installation described in subdivision (a) may  
12 create a separate joint powers agency pursuant to  
13 Chapter 5 (commencing with Section 6500) of Division  
14 7 of Title 1 of the Government Code, which shall have and  
15 exclusively exercise powers of an agency in furtherance  
16 of the redevelopment of a project area approved by the  
17 joint powers agency. The joint powers agency so formed  
18 shall include as one of its members the county in which  
19 the project area is located. In addition to the powers of an  
20 agency, the joint powers agency so formed shall also act  
21 as the legislative body and planning commission for all  
22 approvals and actions required by this part of legislative  
23 bodies and planning commissions for the adoption and  
24 implementation of a redevelopment plan. However, all  
25 land use, planning, and development decisions with  
26 regard to the land within the project area shall continue  
27 to be under the control and jurisdiction of each of the  
28 respective local legislative bodies or planning  
29 commissions, as applicable.

30 (c) The territory included within the project and  
31 project area may be contiguous or noncontiguous, and  
32 any project area may be located in whole or in part within  
33 one or more of the communities impacted by the closure  
34 of the military facility or installation, and the land to be  
35 included within the project area within the community  
36 or communities in proximity to the military facility or  
37 installation shall be found necessary for the effective  
38 redevelopment of the military facility or installation and  
39 the adjacent area. A project area shall not include  
40 territory outside the jurisdiction of the communities that



1 are parties to the joint powers agency without the consent  
2 of the legislative body having jurisdiction over the  
3 territory proposed to be included within the project area.

4 (d) A redevelopment plan for the project area shall  
5 contain all of the provisions required by this part.  
6 However, if the agency finds, based on substantial  
7 evidence on the record, that compliance with the  
8 requirements of Sections 33333.2 and 33334.1 would make  
9 it impracticable to achieve the policies of this section, the  
10 agency may eliminate or modify the requirements of  
11 Sections 33333.2 and 33334.1.

12 (e) The redevelopment plan shall provide for either of  
13 the following:

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

16 (2) A deferral for depositing all or part of the 20  
17 percent of taxes allocated to the agency pursuant to  
18 Section 33670 in the Low- and Moderate-Income Housing  
19 Fund if the agency, after conducting a noticed public  
20 hearing, makes, and the executive committee of the  
21 Southern California Association of Governments reviews  
22 and approves, findings supported by substantial evidence  
23 that all of the following apply:

24 (A) The military facility or installation cannot be  
25 acquired or developed by private enterprise without the  
26 assistance of the agency.

27 (B) There are no feasible alternative means of  
28 financing the acquisition or development of the military  
29 facility or installation other than by utilizing the low- and  
30 moderate-income housing portion of the taxes which are  
31 allocated to the agency pursuant to subdivision (b) of  
32 Section 33670.

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

36 (D) The redevelopment plan shall specify the period  
37 during which less than 20 percent of the taxes which are  
38 allocated to the agency pursuant to subdivision (b) of  
39 Section 33670, is to be deposited in the Low- and  
40 Moderate-Income Housing Fund. The redevelopment



1 plan shall also contain a repayment plan which specifies  
2 a date at which time the agency will have made up the  
3 deficit created by the deferral, including repayment of  
4 the interest at the highest rate received by the agency on  
5 funds it deposits during the period of deferral. The  
6 repayment plan shall reduce the deficit in the shortest  
7 feasible time consistent with the needs of the agency, as  
8 specified in the agency's findings.

9 (f) The joint powers agency acting as the agency, the  
10 legislative body or the planning commission, shall follow  
11 all procedures under this part applicable to the adoption  
12 and amendment of redevelopment plans, except with  
13 respect to Sections 33347.5, 33353 to 33353.6, inclusive,  
14 Sections 33354.4 to 33354.6, inclusive, and Section 33385.

15 (g) The agency shall create a fiscal advisory group to  
16 consult with each affected taxing agency and to advise  
17 and report to the agency in the manner required of a  
18 fiscal review committee by Section 33353.5 on any  
19 potential fiscal impact upon affected taxing agencies  
20 within the project area. The fiscal advisory group shall  
21 consist of the financial officer or treasurer of each city and  
22 each county which created the joint powers authority.

23 (h) The agency shall prepare and distribute to each  
24 affected taxing agency a report which includes the  
25 information required by Section 33328. The agency shall  
26 also prepare an analysis of the report required of a fiscal  
27 review committee pursuant to subdivision (m) of Section  
28 33352 and an analysis of the report required of the fiscal  
29 advisory group pursuant to subdivision (g).

30 (i) As used in this section, "in proximity to" means  
31 within three miles of the boundary of Norton Air Force  
32 Base and within eight miles of George Air Force Base.

33 (j) The Legislature finds and declares that the closure  
34 of two or more military facilities or installations within the  
35 County of San Bernardino will cause serious economic  
36 hardship in that county, including loss of jobs, increased  
37 unemployment, deterioration of properties and land  
38 utilization and undue disruption of the lives and activities  
39 of the people. Therefore, the Legislature finds and  
40 declares that to avoid serious economic hardship and



1 accompanying blight, it is necessary to enact this act  
2 which shall apply only within the County of San  
3 Bernardino. In enacting this act, it is the policy of the  
4 Legislature to assist communities within the County of  
5 San Bernardino in their attempt to preserve the military  
6 facilities and installations for their continued use as  
7 airports and aviation-related purposes.

8 It is the intent of the Legislature and the commitment  
9 of the local authorities to ensure that the existing airfields  
10 at both Norton Air Force Base and George Air Force Base  
11 are protected, developed, and enhanced as civil aviation  
12 public use airports. Therefore, the joint powers  
13 authorities authorized by this section should make every  
14 reasonable effort to guarantee that these vital airport  
15 facilities are retained for general aviation use now and  
16 into the future.

17 (k) Any joint powers agreement entered into  
18 pursuant to this section shall provide that the financial  
19 needs of each of the parties shall be considered prior to  
20 adoption of a redevelopment plan, and may provide that  
21 the number of years shall be limited during which bonded  
22 indebtedness may be paid using taxes which are allocated  
23 to the agency pursuant to subdivision (b) of Section  
24 33670.

25 (1) A joint powers agency operating within the area of  
26 Norton Air Force Base shall appoint a project area  
27 citizens committee for the purpose of consultation and  
28 advice regarding policy matters that relate to planning  
29 and programs affecting the residents, businesses, and  
30 educational institutions within the project area,  
31 implementation of the redevelopment plan, and the  
32 development and implementation of amendments to the  
33 redevelopment plan.

34 (2) The committee shall be comprised of residential  
35 owners, residential tenants, business owners, small  
36 business owners, business tenants, educational institution  
37 representatives, and community groups currently  
38 operating, living, or working within the project area. The  
39 membership of the Project Area Citizens Committee  
40 shall be appointed by the legislative body of the agency



1 and shall be representative, both racially and ethnically,  
2 of the people who live and work within the project area.

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

7 (l) Amendments to any redevelopment plans adopted  
8 pursuant to this section shall not be required to comply  
9 with the provisions of Section 33452, provided that notice  
10 of the public hearing for any amendment adopted  
11 pursuant to Section 33540, and following, is published  
12 pursuant to Section 6063 of the Government Code and  
13 mailed by regular mail to the governing body of each of  
14 the taxing agencies which levies taxes upon any property  
15 in the project area designated in the redevelopment plan  
16 as proposed to be amended.

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

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

21 33492.41. (a) Notwithstanding Section 21090 of the  
22 Public Resources Code, the Inland Valley Development  
23 Agency may determine at a noticed public hearing that  
24 the amendment of a redevelopment plan for the Norton  
25 Air Force Base Redevelopment Project Area pursuant to  
26 this chapter is not subject to the California  
27 Environmental Quality Act (Division 13 (commencing  
28 with Section 21000) of the Public Resources Code),  
29 except that projects implementing the redevelopment  
30 plan, including specific plans, rezonings, and ministerial  
31 projects that may have a significant effect on the  
32 environment, shall be subject to the California  
33 Environmental Quality Act. The environmental  
34 document for any implementing project shall include an  
35 analysis and mitigation of potential cumulative impacts  
36 that otherwise will not be known until an environmental  
37 impact report for the redevelopment plan is certified.

38 (b) The notice of the public hearing required  
39 pursuant to subdivision (a) shall include the date, time,  
40 and place of the hearing, a brief description of the



1 proposed project and its location, the date when notice  
2 will be provided pursuant to Section 21092 of the Public  
3 Resources Code, and the address where copies of the  
4 notice of exemption are available for review.

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

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

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

30 (f) The redevelopment agency shall revise the  
31 redevelopment plan if necessary to mitigate any impacts  
32 and comply with the California Environmental Quality  
33 Act and adopt mitigation measures as conditions of  
34 project approval.

35 (g) This section shall only apply to a redevelopment  
36 plan amendment approved on or before September 1,  
37 1995.

38 *SEC. 4.5. Section 33492.4 of the Health and Safety*  
39 *Code is amended to read:*



1 33492.4. (a) *In enacting this article, it is the intent of*  
 2 *the Legislature to create a uniform procedure for*  
 3 *redeveloping closed or realigned military bases.*

4 (b) Chapter 4 (commencing with Section 33300) shall  
 5 ~~be applicable~~ *apply* to any project area formed pursuant  
 6 ~~to this chapter, except to the extent that Chapter 4 is~~  
 7 ~~inconsistent with this chapter~~ *for the purpose of*  
 8 *redeveloping a closed or realigned military base, except*  
 9 *to the extent that a provision of this article or the*  
 10 *provision of a statute directly applicable to a specific*  
 11 *military base is inconsistent with Chapter 4, in which case*  
 12 *an agency may use either this article or the statute*  
 13 *directly applicable to the specific military base.*

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

18  
 19 Article 1.5. Norton Air Force Base and George Air  
 20 Force Base Redevelopment Project Areas

21  
 22 SEC. 6. Article 3 (commencing with Section  
 23 33492.60) of Chapter 4.5 of Part 1 of Division 24 of the  
 24 Health and Safety Code is repealed.

25 SEC. 7. Section 33492.114 of the Health and Safety  
 26 Code is repealed.

27 SEC. 8. Article 7 (commencing with Section 33493.1)  
 28 of Chapter 4.5 of Part 1 of Division 24 of the Health and  
 29 Safety Code, as added by Chapter 222 of the Statutes of  
 30 1996, is amended and renumbered to read:

31  
 32 Article 8. The Alameda Naval Air Station and the  
 33 Fleet Industrial Supply Center

34  
 35 33492.125. With the enactment of this article, it is the  
 36 intent of the Legislature to provide for precise and  
 37 specific means to mitigate the very serious economic  
 38 effects of the closure of the Alameda Naval Air Station  
 39 and the Fleet Industrial Supply Center on the City of  
 40 Alameda, surrounding cities, and the County of Alameda



1 by facilitating the planning and implementation of the  
2 reuse and redevelopment of the lands comprising the  
3 *Alameda* Naval Air Station and the Fleet Industrial  
4 Supply Center located in the City of Alameda and the  
5 surrounding areas in accordance with land use plans and  
6 a redevelopment plan that are in effect prior to the  
7 disposition of lands by the federal government.

8 33492.127. A redevelopment plan covering all or part  
9 of the lands of the Alameda Naval Air Station and the  
10 Fleet Industrial Supply Center Redevelopment Project  
11 may be adopted pursuant to Article 1 (commencing with  
12 Section 33492), provided that the project area shall not  
13 include territory outside the boundaries of the Alameda  
14 Naval Air Station and the Fleet Industrial Supply Center.

15 33492.129. Notwithstanding Section 33492.9 or any  
16 other provision of law, the redevelopment agency shall  
17 make payments to affected taxing entities required by  
18 Section 33607.5.

19 33492.131. (a) Dwelling units, as defined, in the  
20 Alameda Naval Air Station and the Fleet Industrial  
21 Supply Center Project Area made available to a member  
22 of the Homeless Collaborative pursuant to the Base  
23 Closure Community Redevelopment and Homeless  
24 Assistance Act of 1994 (Part A of Title XXIX of Public Law  
25 101-510; 10 U.S.C. Sec. 2687 note), and in particular  
26 Section (7) (C) through (O) thereof, and thereafter  
27 substantially rehabilitated, shall be deemed substantially  
28 rehabilitated units for purposes of determining the  
29 compliance of the Alameda Naval Air Station and the  
30 Fleet Industrial Supply Center redevelopment agency  
31 with the provisions of subdivision (b) of Section 33413.

32 (b) For the purposes of this section “dwelling units”  
33 means permanent or transitional residential units, and  
34 does not mean student dormitory rooms or overnight  
35 emergency shelter beds.

36 (c) For the purposes of this section “substantially  
37 rehabilitated” means rehabilitation, the value of which



- 1 constitutes 25 percent of the after rehabilitation value of
- 2 the dwelling, inclusive of land value.

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