

AMENDED IN SENATE AUGUST 25, 2000

AMENDED IN SENATE AUGUST 23, 2000

AMENDED IN SENATE JUNE 26, 2000

AMENDED IN SENATE JUNE 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2934

Introduced by Assembly Member Correa
(Coauthor: Senator Dunn)

March 23, 2000

An act to ~~amend Section 65050 of~~ *add Section 65051* to the Government Code, and to add Section 33492.114 to the Health and Safety Code, relating to community development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2934, as amended, Correa. Redevelopment: Tustin ~~Maine~~ Marine Corps Air Station.

Existing law authorizes a redevelopment project at the Tustin Marine Corps Air Station, and designates the City of Tustin as the local base reuse entity for purposes related to base reuse planning.

This bill would require the City of Tustin, *as the local* or the Tustin Community Redevelopment Agency, *prior to entering into or enforcing any contract regarding the development of, or prior to conveying any property within, the area comprising the air station base reuse entity, as a condition of designation of the city as the local reuse entity,* to adopt a

~~special finding~~ find, based on substantial evidence in the record, that it has implemented certain conveyances of property to the Santa Ana Unified School District and the Orange County Education Coalition. The bill would also require that finding as a condition of entering into or enforcing any contract regarding the development of, or prior to conveying any property within, the area comprising the air station.

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 65050 of the Government Code~~
2 ~~is amended to read:~~

3 ~~65050. (a) As used in this article, the following~~
4 ~~phrases have the following meanings:~~

5 ~~(1) "Military base" means a military base that is~~
6 ~~designated for closure or downward realignment~~
7 ~~pursuant to the Defense Authorization Amendments and~~
8 ~~Base Closure and Realignment Act (P.L. 100-526), the~~
9 ~~Defense Base Closure and Realignment Act of 1990 (P.L.~~
10 ~~101-510), or any subsequent closure or realignment~~
11 ~~approved by the President of the United States without~~
12 ~~objection by the Congress.~~

13 ~~(2) "Effective date of a base closure" means the date~~
14 ~~a base closure decision becomes final under the terms~~
15 ~~specified by federal law. These decisions become final 45~~
16 ~~legislative days after the date the federal Base Closure~~
17 ~~Commission submits its recommendations to the~~
18 ~~President, he or she approves those recommendations,~~
19 ~~and the Congress does not disapprove those~~
20 ~~recommendations or adjourns.~~

21 ~~(b) It is not the intent of the Legislature in enacting~~
22 ~~this section to preempt local planning efforts or to~~
23 ~~supersede any existing or subsequent authority invested~~
24 ~~in the Defense Conversion Council, as established by~~
25 ~~Article 3.7 (commencing with Section 15346). It is the~~
26 ~~intent of this article to provide a means of conflict~~
27 ~~resolution.~~



1 ~~(e) For the purposes of this article, a single local base~~
2 ~~reuse entity shall be recognized pursuant to the~~
3 ~~provisions of this section for each military base closure in~~
4 ~~this state.~~

5 ~~(d) The following entities or their successors,~~
6 ~~including, but not limited to, separate airport or port~~
7 ~~authorities, are recognized as the single local reuse entity~~
8 ~~for the military bases listed:~~

9

Military Base	Local Reuse Entity
George Air Force Base	Victor Valley Economic Development Authority
Hamilton Army Base	City of Novato
Mather Air Force Base	County of Sacramento
Norton Air Force Base	Inland Valley Development Authority
Presidio Army Base	City and County of San Francisco
Salton Sea Navy Base	Imperial County
Castle Air Force Base	Castle Joint Powers Authority
Hunters Point Naval Annex	City and County of San Francisco
Long Beach Naval Station	City of Long Beach
MCAS Tustin	City of Tustin
Sacramento Army Depot	City of Sacramento
MCAS El Toro	Local redevelopment authority recognized by the United States Department of Defense, Office of Economic Adjustment
March Air Force Base	March Joint Powers Authority
Marine Island Naval Shipyard	City of Vallejo
Naval Training Center, San Diego	City of San Diego
NS Treasure Island	City and County of San Francisco

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1	NAS Alameda, San Francisco	Alameda Reuse
2	Bay Public Works	and Redevelopment
3	Center, Alameda Naval	Authority
4	Aviation Depot	
5	Oakland Navy Hospital	City of Oakland
6	Fort Ord Army Base	Fort Ord Reuse Authority

7
8 ~~Any military base reuse authority created pursuant to~~
9 ~~Title 7.86 (commencing with Section 67800).~~

10 ~~(e) For any military base that is closed and not listed~~
11 ~~in subdivision (d), a single local reuse entity shall be~~
12 ~~recognized for the base by the state if resolutions~~
13 ~~acknowledging the entity as the single base reuse entity~~
14 ~~are adopted by the affected county board of supervisors~~
15 ~~and the city council of each city located wholly or partly~~
16 ~~within the boundaries of a military base or having a~~
17 ~~sphere of influence over any portion of the base and are~~
18 ~~forwarded to the Defense Conversion Council and the~~
19 ~~Office of Planning and Research within 60 days after the~~
20 ~~effective date of a base closure decision or by March 1,~~
21 ~~1995, whichever date is later.~~

22 ~~(f) If the necessary resolutions are not adopted within~~
23 ~~the time limit specified in subdivision (e), the Director of~~
24 ~~the Office of Planning and Research may select a~~
25 ~~mediator, from a list submitted by the Defense~~
26 ~~Conversion Council containing no fewer than seven~~
27 ~~recommendations, to reach agreement among the~~
28 ~~affected jurisdictions on a single local reuse entity. In~~
29 ~~selecting a mediator, the director shall appoint a neutral~~
30 ~~person or persons, with experience in local land use issues,~~
31 ~~to facilitate communication between the disputants and~~
32 ~~assist them in reaching a mutually acceptable agreement.~~

33 ~~(g) As a last resort, and only if no recognition is made~~
34 ~~pursuant to the procedure specified in subdivisions (e)~~
35 ~~and (f) within 120 days after a base closure decision has~~
36 ~~become final or within 120 days after the date on which~~
37 ~~this section becomes operative, whichever date is later,~~
38 ~~the Defense Conversion Council, created pursuant to~~
39 ~~Article 3.6 (commencing with Section 15346) of Chapter~~
40 ~~1 of Part 6.7 of Division 3 of Title 2, shall hold public~~



1 ~~hearings and recognize a single local base reuse entity for~~
2 ~~each closing base for which agreement is reached among~~
3 ~~the local jurisdictions with responsibility for complying~~
4 ~~with Chapter 3 (commencing with Section 65100) and~~
5 ~~Chapter 4 (commencing with Section 65800) on the base,~~
6 ~~or recommend legislation or action by the local agency~~
7 ~~formation commission if necessary to implement a~~
8 ~~proposed recognition.~~

9 ~~(h) In recognizing a single local reuse entity pursuant~~
10 ~~to this section, preference shall be given to existing~~
11 ~~entities and entities with responsibility for complying~~
12 ~~with Chapter 3 (commencing with Section 65100) and~~
13 ~~Chapter 4 (commencing with Section 65800).~~

14 ~~(i) Any recognition of a single local reuse entity made~~
15 ~~pursuant to subdivision (e), (f), or (g) shall be submitted~~
16 ~~by the Director of the Office of Planning and Research to~~
17 ~~the Governor, the Legislature, and the United States~~
18 ~~Department of Defense.~~

19 ~~(j) As a condition of designating the City of Tustin as~~
20 ~~SECTION 1. Section 65051 is added to the~~
21 ~~Government Code, to read:~~

22 *65051. Prior to entering into or enforcing any contract*
23 *regarding the development of, or prior to conveying any*
24 *property within, the area comprising Marine Corps Air*
25 *Station-Tustin, the City of Tustin as the local reuse entity*
26 *responsible for oversight of reuse of the Marine Corps Air*
27 *Station-Tustin, the City of Tustin or the Tustin*
28 *Community Redevelopment Agency shall adopt a special*
29 *finding find, based on substantial evidence in the record,*
30 *that it has implemented (1) the United States*
31 *Department of Education's July 25, 1994, approval of the*
32 *Santa Ana Unified School District's public benefit*
33 *conveyance application, by which the Santa Ana Unified*
34 *School District shall receive title to either the property*
35 *described as that portion of the Marine Corps Air*
36 *Station-Tustin consisting of a 75 acre parcel of partially*
37 *improved land and open space, including buildings and*
38 *improvements numbers 176, 237, 514, 525, 526, 527, 531,*
39 *532, 535, 536, 571, 601, and Aircraft Parking Apron No. 4,*
40 *as described in Exhibit IV.C.(2) of the Santa Ana Unified*



1 School District's application for public benefit
2 conveyance of that property, or to a portion of the Marine
3 Corps Air Station-Tustin that consists of a parcel of land
4 that is also acceptable to the Santa Ana Unified School
5 District; and (2) the United States Department of
6 Education's February 3, 1995, approval of the Orange
7 County Education Coalition's public benefit conveyance
8 application, headed by Rancho Santiago Community
9 College, by which the Orange County Education
10 Coalition shall receive title to either the property
11 described as that portion of the Marine Corps Air
12 Station-Tustin consisting of approximately 116 acres of
13 land located with the portion of the Marine Corps Air
14 Station-Tustin, which is generally bounded by the west
15 property line on the west; the north property line on the
16 north; Severyns Road and Cross Street (as extended to
17 the proposed Warner Avenue on the south) on the east;
18 and the proposed extension of Warner Avenue on the
19 south, including buildings and improvements numbers 1,
20 2, 3, 4, 5, 6, 11, 12, 13, 19, 21, 26, 28, 30, 35, 42, 49, 51, 77, 86,
21 87, 88, 92, 93, 103, 106, 132, 134, 159, 160, 161, 165, 166, 167,
22 168, 171, 172, 173, 177, 178, 179, 183, 184, 185, 189, 191, 192,
23 193, 194, 201, 203, 206, 207, 209, 20A, 213, 218, 221, 222, 225,
24 226, 227, 230, 234, 236, 238, 239, 240, 242, 245, 246, 248, 249,
25 253, 254, 254, 257, 259, 260, 261, 262, 263, 264, 278, 279, 28A,
26 300, 306, 35A, 40A, 502, 503, 505, 506, 509, 512, 513, 514T,
27 516, 523, 524, 525, 526, 535, 536, 538, 539, 549, 550, 557, 561,
28 563, 564, 572, 573, 574, 577, 578, 579, 580, 594, 602, 603, 71A,
29 71B, 71C, 71D, 71E, 71F, 71G, 71H, 71I, 71J, A, B, C, SS-1,
30 250, 251, 252, 520, 529, 537, and 568, as specifically
31 referenced in the Orange County Education Coalition's
32 public benefit conveyance application dated January 11,
33 1995, or to a portion of the Marine Corps Air
34 Station-Tustin that consists of a parcel of land that is also
35 acceptable to Rancho Santiago Community College
36 District. The Santa Ana Unified School District and
37 Rancho Santiago Community College District shall each
38 respectively notify the City of Tustin or the Tustin
39 Community Redevelopment Agency when each has



1 received title to an acceptable parcel of property to
2 satisfy the requirements of this section.

3 SEC. 2. Section 33492.114 is added to the Health and
4 Safety Code, to read:

5 33492.114. Notwithstanding any other provision of
6 law, prior to entering into *or enforcing* any contract
7 regarding ~~development~~ *of the development of, or prior*
8 *to conveying any property within*, the area comprising
9 the Tustin Marine Corps Air Station, the City of Tustin or
10 the Tustin Community Redevelopment Agency shall
11 ~~adopt a special finding~~ *find, based on substantial evidence*
12 *in the record*, that it has implemented (a) the United
13 States Department of Education's July 25, 1994, approval
14 of the Santa Ana Unified School District's public benefit
15 conveyance application, by which the Santa Ana Unified
16 School District shall receive title to either the property
17 described as that portion of the Marine Corps Air
18 Station-Tustin consisting of a 75 acre parcel of partially
19 improved land and open space, including buildings and
20 improvements numbers 176, 237, 514, 525, 526, 527, 531,
21 532, 535, 536, 571, 601, and Aircraft Parking Apron No. 4,
22 as described in Exhibit IV.C.(2) of the Santa Ana Unified
23 School District's application for public benefit
24 conveyance of that property, or to a portion of the Marine
25 Corps Air Station-Tustin that consists of a parcel of land
26 that is also acceptable to the Santa Ana Unified School
27 District; and (b) the United States Department of
28 Education's February 3, 1995, approval of the Orange
29 County Education Coalition's public benefit conveyance
30 application, headed by Rancho Santiago Community
31 College *District*, by which the Orange County Education
32 Coalition shall receive title to either the property
33 described as that portion of the Marine Corps Air
34 Station-Tustin consisting of approximately 116 acres of
35 land located with the portion of the Marine Corps Air
36 Station-Tustin, which is generally bounded by the west
37 property line on the west; the north property line on the
38 north; Severyns Road and Cross Street (as extended to
39 the proposed Warner Avenue on the south) on the east;
40 and the proposed extension of Warner Avenue on the



1 south, including buildings and improvements numbers 1,
 2 2, 3, 4, 5, 6, 11, 12, 13, 19, 21, 26, 28, 30, 35, 42, 49, 51, 77, 86,
 3 87, 88, 92, 93, 103, 106, 132, 134, 159, 160, 161, 165, 166, 167,
 4 168, 171, 172, 173, 177, 178, 179, 183, 184, 185, 189, 191, 192,
 5 193, 194, 201, 203, 206, 207, 209, 20A, 213, 218, 221, 222, 225,
 6 226, 227, 230, 234, 236, 238, 239, 240, 242, 245, 246, 248, 249,
 7 253, 254, 254, 257, 259, 260, 261, 262, 263, 264, 278, 279, 28A,
 8 300, 306, 35A, 40A, 502, 503, 505, 506, 509, 512, 513, 514T,
 9 516, 523, 524, 525, 526, 535, 536, 538, 539, 549, 550, 557, 561,
 10 563, 564, 572, 573, 574, 577, 578, 579, 580, 594, 602, 603, 71A,
 11 71B, 71C, 71D, 71E, 71F, 71G, 71H, 71I, 71J, A, B, C, SS-1,
 12 250, 251, 252, 520, 529, 537, and 568, as specifically
 13 referenced in the Orange County Education Coalition’s
 14 public benefit conveyance application dated January 11,
 15 1995, or to a portion of the Marine Corps Air
 16 Station-Tustin that consists of a parcel of land that is also
 17 acceptable to Rancho Santiago Community College
 18 District. The Santa Ana Unified School District and
 19 Rancho Santiago Community College District shall each
 20 respectively notify the City of Tustin or the Tustin
 21 Community Redevelopment Agency when each has
 22 received title to an acceptable parcel of property to
 23 satisfy the requirements of this section.

24 SEC. 3. The Legislature finds and declares that a
 25 special law is necessary and that a general law cannot be
 26 made applicable within the meaning of Section 16 of
 27 Article IV of the California Constitution because of the
 28 unique circumstances of the City of Tustin and the Tustin
 29 Community Redevelopment Agency. The facts
 30 constituting the special circumstances are:

31 The City of Tustin has submitted a base reuse plan to
 32 the Department of the Navy that does not allocate
 33 property to the Santa Ana Unified School District or to
 34 Rancho Santiago Community College District, and has
 35 taken the position that the United States Department of
 36 Education’s approvals of their public benefit conveyance
 37 requests are invalid. Nevertheless, the City of Tustin has
 38 allocated property in the base reuse plan to other school
 39 districts whose public benefit conveyances were also
 40 approved by the United States Department of Education.



1 Regardless of the ultimate validity or invalidity of the
2 department's approvals of the public benefit conveyance
3 requests, the reuse of the Marine Corps Air Station-Tustin
4 provides a unique opportunity to help the Santa Ana
5 Unified School District and the Rancho Santiago
6 Community College District address conditions of severe
7 overcrowding. Public education is a fundamental
8 community need that outweighs the need for additional
9 commercial development in the region. These unique
10 circumstances require the City of Tustin to convey
11 property to the Santa Ana Unified School District and the
12 Rancho Santiago Community College District so that
13 these legitimate and crucial community needs may be
14 met as a result of the closure of Marine Corps Air
15 Station-Tustin.

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