

AMENDED IN SENATE MAY 24, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1791

Introduced by Assembly Member Monning
(Principal coauthor: Assembly Member Caballero)
~~(Principal coauthor: Senator Maldonado)~~

February 10, 2010

An act to amend Section 33492.70 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1791, as amended, Monning. Redevelopment: ~~Fort~~ Fort Ord Reuse Plan: project area territory.

Existing law, known as the ~~Fort~~ Fort Ord Reuse Authority Act, authorizes specified local agencies in Monterey County to establish the Fort Ord Reuse Authority to prepare, adopt, finance, and implement a plan for future use and development of the territory occupied by the Fort Ord military base in Monterey County. Existing law authorizes a city or county redevelopment agency to establish a project area that includes territory within the jurisdiction of the city or county that is also within the territory of Fort Ord, but only pursuant to the provisions of the act.

Existing law also prohibits a redevelopment agency from providing any form of direct assistance to a development that will be or is on a parcel of land which has not been previously developed for urban use and that will generate sales or use tax, except as specified.

This bill would exempt the territory within a project area added pursuant to the ~~Fort~~ Fort Ord Reuse Authority Act from the prohibition if the redevelopment agency, prior to establishing the project area, adopts a resolution making specified findings and if the territory is designated as having a specified use.

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 33492.70 of the Health and Safety Code
2 is amended to read:

3 33492.70. (a) (1) This article shall govern the establishment
4 and operation of all redevelopment project areas created within
5 the area previously known as Fort Ord.

6 (2) It is the intent of the Legislature that the redevelopment of
7 the territory of Fort Ord be conducted jointly, in part by
8 redevelopment project areas established by cities and the county
9 with jurisdiction over parts of the territory of what was previously
10 known as Fort Ord, and in part by the Fort Ord Reuse Authority.
11 It is further the intent of the Legislature that this joint
12 redevelopment include the sharing of tax increment revenues
13 pursuant to this article. The joint division of tax increment will
14 enable the local redevelopment agencies to finance redevelopment
15 activities which primarily affect their own jurisdictions, and the
16 authority will have a revenue source to assist in financing
17 redevelopment of facilities of basewide significance.

18 (b) The board of the Fort Ord Reuse Authority, as established
19 by Title 7.85 (commencing with Section 67650) of the Government
20 Code, may, by ordinance, establish in the area of Fort Ord a public
21 body, corporate and politic, known as the Redevelopment Agency
22 of Fort Ord. This agency may transact business and exercise its
23 powers as a redevelopment agency upon the effective date of the
24 establishing ordinance. The provisions of the Community
25 Redevelopment Law (Part 1 (commencing with Section 33000)
26 of Division 24), as modified by Chapter 4.5 (commencing with
27 Section 33492) thereof, shall apply to the Redevelopment Agency
28 of Fort Ord, and this agency shall have all powers of a
29 redevelopment agency as provided in this part.

(c) In addition to the powers of an agency, the Redevelopment Agency of Fort Ord shall also act as the legislative body and the planning commission for all approvals and actions required and authorized by this part for the adoption and implementation of a redevelopment plan. However, subject to the consistency and appeal provision of Title 7.85 (commencing with Section 67650) of the Government Code and other applicable provisions of state law, all planning, zoning, and permitting decisions with regard to the land within the project area shall continue to be under the control and jurisdiction of each of the respective local legislative bodies, as applicable.

(d) For purposes of this article, “board” means the governing board of the Fort Ord Reuse Authority, as defined in Title 7.85 (commencing with Section 67650) of the Government Code. “Legislative body,” as used elsewhere in this part, shall, for the purposes of this article when relating to the Redevelopment Agency of Fort Ord, also refer to the governing board of the Fort Ord Reuse Authority.

(e) The board may create a project area to include all or a portion or portions of the area of ~~Fort~~ Fort Ord, except that the board shall not create a project area which overlays any territory included within a project area established by the redevelopment agency of a city or the county.

(f) (1) A city or county redevelopment agency may establish a project area which includes any or all of the territory within the jurisdiction of the city or county which is also within the territory of Fort Ord, but only pursuant to the provisions of this section.

(2) Subdivision (b) of Section 33426.5 shall not apply to territory within a project area established pursuant to paragraph (1) if the Final Base Reuse Plan, adopted pursuant to Section 67675 of the Government Code, and as the plan existed on January 1, 2010, designates the territory as any of the following:

- (A) A planned development mixed-use district.
- (B) A business park with light industrial, office, and research and development mixed uses.
- (C) A neighborhood retail space.
- (D) A regional retail space.
- (E) A space designated for visitor services use.

~~(3) Prior to establishing a project area pursuant to the authorization in paragraph (1) and the exclusion in paragraph~~

1 (3) *Prior to utilizing the exclusion in paragraph (2), a*
2 redevelopment agency shall adopt a resolution finding, based on
3 substantial evidence, all of the following:

4 (A) The community has adopted a housing element that the
5 department has determined pursuant to Section 65585 of the
6 Government Code to be in substantial compliance with the
7 requirements of Article 10.6 (commencing with Section 65580)
8 of Chapter 3 of Division 1 of Title 7 of the Government Code.

9 (B) During the three fiscal years prior to the year in which the
10 project area is to be established, the agency has not been included
11 in the list of agencies that have not corrected a major audit violation
12 compiled pursuant to subdivision (b) of Section 33080.8.

13 (C) The agency has not accumulated an excess surplus in its
14 Low and Moderate Income Housing Fund. As used in this section,
15 “excess surplus” has the same meaning as in Section 33334.12.