

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Carter

February 23, 2007

An act to amend Section 33492.40 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as introduced, Carter. Military base closure.

Existing law requires the joint powers agency operating within the area of Norton Air Force Base to appoint a project area citizens committee for the purpose of consultation and advice regarding policy matters that deal with planning and programs affecting the residents, businesses, and educational institutions within the project area, implementation of the redevelopment plan, and the development and implementation of amendments to the redevelopment plan.

This bill would make the formation of a project area citizens' committee optional, and would also provide that specified provisions of law are not applicable to any redevelopment plan or amendment thereto that was previously adopted or is hereafter adopted pursuant to the those provisions to eliminate or modify certain requirements.

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 33492.40 of the Health and Safety Code
- 2 is amended to read:

1 33492.40. (a) Notwithstanding Section 33320.1, the
2 requirement that privately owned land within a project area be
3 “predominantly urbanized,” as that term is defined in subdivision
4 (b) of Section 33320.1, shall not apply to privately owned land
5 within a project area, if the privately owned land is adjacent or in
6 proximity to a military facility or installation that is proposed to
7 be closed pursuant to Public Law 100-526 and the inclusion of the
8 privately owned land is found by an entity formed pursuant to
9 subdivision (b) to be necessary for the effective redevelopment of
10 the military facility or installation and the adjacent area.

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

29 (c) The territory included within the project and project area
30 may be contiguous or noncontiguous, and any project area may
31 be located in whole or in part within one or more of the
32 communities impacted by the closure of the military facility or
33 installation, and the land to be included within the project area
34 within the community or communities in proximity to the military
35 facility or installation shall be found necessary for the effective
36 redevelopment of the military facility or installation and the
37 adjacent area. A project area shall not include territory outside the
38 jurisdiction of the communities that are parties to the joint powers
39 agency without the consent of the legislative body having

1 jurisdiction over the territory proposed to be included within the
2 project area.

3 (d) (1) A redevelopment plan for the project area shall contain
4 all of the provisions required by this part. However, if the agency
5 finds, based on substantial evidence on the record, that compliance
6 with the requirements of Sections 33333.2 and 33334.1 would
7 make it impracticable to achieve the policies of this section, the
8 agency may eliminate or modify the requirements of Sections
9 33333.2 and 33334.1.

10 (2) *This chapter does not apply to any redevelopment plan or*
11 *amendment thereto previously adopted or hereafter adopted*
12 *pursuant to this section to eliminate or modify the requirements*
13 *of Sections 33333.2 and 33334.1.*

14 (e) The redevelopment plan shall provide for either of the
15 following:

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

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

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

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

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

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

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

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

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

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

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

29 (j) The Legislature finds and declares that the closure of two or
30 more military facilities or installations within the County of San
31 Bernardino will cause serious economic hardship in that county,
32 including loss of jobs, increased unemployment, deterioration of
33 properties and land utilization and undue disruption of the lives
34 and activities of the people. Therefore, the Legislature finds and
35 declares that to avoid serious economic hardship and accompanying
36 blight, it is necessary to enact this act which shall apply only within
37 the County of San Bernardino. In enacting this act, it is the policy
38 of the Legislature to assist communities within the County of San
39 Bernardino in their attempt to preserve the military facilities and

1 installations for their continued use as airports and aviation-related
2 purposes.

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

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

16 (1) A joint powers agency operating within the area of Norton
17 Air Force Base ~~shall~~ *may at its option* appoint a project area
18 citizens committee for the purpose of consultation and advice
19 regarding policy matters that relate to planning and programs
20 affecting the residents, businesses, and educational institutions
21 within the project area, implementation of the redevelopment plan,
22 and the development and implementation of amendments to the
23 redevelopment plan.

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

32 (3) For the purposes described above, the committee shall meet
33 ~~at least once quarterly or more often~~ *as frequently as directed* to
34 review policy matters and implementation issues as determined
35 necessary by the legislative body.

36 (l) Amendments to any redevelopment plans adopted pursuant
37 to this section shall not be required to comply with the provisions
38 of Section 33452, provided that notice of the public hearing for
39 any amendment adopted pursuant to Article 12 (commencing with
40 Section 33450) of Chapter 4, is published pursuant to Section 6063

1 of the Government Code and mailed by regular mail to the
2 governing body of each of the taxing agencies that levies taxes
3 upon any property in the project area designated in the
4 redevelopment plan as proposed to be amended.

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