

Assembly Bill No. 1496

CHAPTER 318

An act to amend Section 5 of Chapter 898 of the Statutes of 1997, relating to redevelopment.

[Approved by Governor September 26, 2008. Filed with Secretary of State September 26, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1496, Leno. Redevelopment: Treasure Island Development Authority.

The Community Redevelopment Law requires the establishment of a project area committee when a redevelopment plan contains authority for a redevelopment agency to acquire by eminent domain property on which persons reside and where a substantial number of low- or moderate-income persons, or both, reside within one project area. A project area committee also must be established when a redevelopment plan contains one or more public projects that would displace a substantial number of low- or moderate-income persons, or both. Under the Community Redevelopment Law, the legislative body of a city or county is required to call upon the residents and existing community organizations in a redevelopment project area to form a project area committee if a substantial number of low- or moderate-income persons, or both, reside within the project area, and the redevelopment plan as adopted will contain authority for the agency to acquire, by eminent domain, property on which any persons reside or if the redevelopment plan as adopted contains one or more public projects that will displace a substantial number of low- or moderate-income persons, or both.

Existing law, the Treasure Island Conversion Act of 1997, also authorizes the City and County of San Francisco to designate the Treasure Island Development Authority and any successor entity thereof as the redevelopment agency for the purposes of acquiring, using, operating, maintaining, converting and redeveloping Naval Station Treasure Island.

This bill would authorize the authority to follow a different procedure for the redevelopment of the Naval Station Treasure Island if the authority follows specified procedures, including the addition of residents to the current citizens advisory board, holding at least one noticed public meeting, and offering current low- and moderate-income residents new permanent housing adequate to accommodate the household to be constructed within the redevelopment project area, at a cost or rent not exceeding the affordable housing costs or affordable rent, as specified.

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

SECTION 1. Section 5 of Chapter 898 of the Statutes of 1997 is amended to read:

Sec. 5. (a) Notwithstanding Article 2 (commencing with Section 33110) of Chapter 2 of Part 1 of Division 24 of the Health and Safety Code, the legislative body of the City and County of San Francisco may, by resolution, designate the authority or any successor entity or agency of the authority as the redevelopment agency with all of the rights, powers, privileges, immunities, authorities, and duties granted to a redevelopment agency pursuant to Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, for the purpose of acquiring, using, operating, maintaining, converting, and redeveloping the property. Upon adoption of that resolution, the authority shall be considered a redevelopment agency for all purposes under state law, including, but not limited to, the purposes of Section 21090 of the Public Resources Code.

(b) Notwithstanding any state or local law, including, without limitation, Section 33111 of the Health and Safety Code, the board of directors of the authority may include individuals who are officers or employees of the City and County of San Francisco or of the San Francisco Redevelopment Agency and those individuals are not precluded, solely by virtue of their status as officers or employees of the City and County of San Francisco or the San Francisco Redevelopment Agency, from participating in decisions as members of the board of directors.

(c) Notwithstanding Section 1090 of the Government Code and Section C8.105 of Appendix C of the San Francisco Charter, officers and employees of the City and County of San Francisco or the San Francisco Redevelopment Agency are not precluded, solely by virtue of their services as members of the board of directors, from participating in any decisions in their capacities as officers or employees of the City and County of San Francisco or the San Francisco Redevelopment Agency.

(d) Notwithstanding any other provision of law, the authority's employees are subject to the same civil service provisions as the employees of the City and County of San Francisco.

(e) Notwithstanding any other provision of law, the authority shall follow the same competitive bidding procedures applicable to redevelopment agencies in California.

(f) Prior to the board of supervisor's approval of a redevelopment plan for the property, any contract to which the authority is a party worth more than one million dollars (\$1,000,000) or with a term of 10 or more years shall require the approval of the Board of Supervisors of the City and County of San Francisco.

(g) Due to the unique status of the existing housing units as set forth in this chapter, which were formerly base housing and must be removed, the authority need not comply with Section 33385 of the Health and Safety Code, as long as the authority complies with all of the following alternative requirements:

(1) The authority shall consult with and obtain the advice of the existing Treasure Island/Yerba Buena Island Citizens Advisory Board, as created by Resolution No. 00-41-12/21 of the Treasure Island Development Authority Board, concerning the adoption and implementation of a redevelopment plan for Naval Station Treasure Island.

(2) At least 120 days before the adoption of the Redevelopment Plan for Naval Station Treasure Island, the authority shall amend the membership composition of the Treasure Island/Yerba Buena Island Citizens Advisory Board to include not less than four specific slots for residents currently residing on Naval Station Treasure Island, including slots designated for low- and moderate-income residents.

(3) The authority shall hold at least one public meeting to explain the new citizens advisory board composition. The authority shall provide written notice of the public meeting explaining the new citizens advisory board composition and the opportunity for Naval Station Treasure Island residents to serve on the citizens advisory board to all residents of Naval Station Treasure Island at the time of the public meeting. The authority shall proscribe the procedure for selection of the resident members of the citizens advisory board, which shall must require that the resident members of the citizens advisory board be selected by a vote of the existing residents of the Naval Station Treasure Island. All resident member seats of the citizens advisory board added pursuant to this section shall be filled no later than 60 days prior to the adoption of the Redevelopment Plan for Naval Station Treasure Island. The authority may, but is not required to, increase the size of the citizens advisory board to include the resident members. The authority is authorized and shall take any and all actions consistent with this section to create specific slots for resident membership on the citizens advisory board.

(4) Persons of low- and moderate-income lawfully occupying the existing housing on Naval Station Treasure Island at the time the Redevelopment Plan for Naval Station Treasure Island is adopted, and at the time the existing housing is removed or demolished, shall be offered new permanent housing adequate to accommodate the household to be constructed within the redevelopment project area, at a cost or rent not exceeding the affordable housing costs or affordable rent, as defined by Section 50052.5 or 50053 of the Health and Safety Code, as applicable. The redevelopment plan shall include provisions requiring the authority to implement this subdivision.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the lands within the City and County of San Francisco described in the Treasure Island Conversion Act of 1997, Chapter 898 of the Statutes of 1997, relating to the closure of Naval Station Treasure Island, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.