

RESOLUTION NO. 2016-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING
MARINA CITY COUNCIL REQUEST TO TRANSFER THE LAND USE RELATED PLANS
AND FUNCTIONS OF THE FORMER MARINA REDEVELOPMENT AGENCY

WHEREAS, the City of Marina (“City”) in accordance with State law formed the Marina Redevelopment Agency (“Former Agency”) which was authorized pursuant to adopted redevelopment plans to undertake certain activities within redevelopment project areas to revitalize blighted areas of the City of Marina; and

WHEREAS, in the summer of 2011, the California State Legislature enacted Assembly Bill XI 26, which dissolved redevelopment agencies in California and gave each city that had created a redevelopment agency the option to become the successor agency in charge of winding down the operations of the former redevelopment agency that the city had created; and

WHEREAS, at the regular meeting of January 10, 2012, the City Council adopted Resolution No. 2012-01, accepting designation and declaring intent to serve as the Successor Agency to the former Marina Redevelopment Agency, and on February 1, 2012, when the Former Agency was dissolved, the Successor Agency succeeded to the obligations and functions of the Former Agency; and

WHEREAS, on June 27, 2012, the State passed additional legislation Assembly Bill 1484 amending Section 34173 of the California Health and Safety Code; that legislation provides, in relevant part that: “At the request of the city, county, or city and county, notwithstanding Section 33205, all land use related plans and functions of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of a redevelopment agency...”; and

WHEREAS, the Successor Agency has three Redevelopment Project Areas governed by three Redevelopment Plans, the Marina Project Redevelopment Plan, the Marina Municipal Airport Redevelopment Plan and the Former Fort Ord Redevelopment Project; and

WHEREAS, transitioning the land use related plans and functions of the Former Agency to the City is critical to: 1) ensure continuity and certainty for the development community; 2) ensure that the City’s economic development goals are achieved; 3) maintain important land use protections in some of the City’s most vulnerable communities; and 4) retain local control over land use policy in the City.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Recitals set forth above are true and correct.

Section 2. Pursuant to the authority conferred upon the City by Section 34173(i) of the California Health and Safety Code, the City hereby requests that all unexpired land use related plans and functions of the Former Agency be, and are hereby, transferred to the City. For purposes of this ordinance, land use related plans and functions mean: (i) all provisions of the unexpired redevelopment plans that govern land use or development, including, but not limited to, provisions that establish allowable land uses, land use restrictions, controls, processes or procedures (including, but not limited to, requirements regarding findings or hearings), or other requirements for public, quasi-public, or private properties within a redevelopment project area; and (ii) all maps, design guidelines, development guidelines, or any other rules, regulations, or similar guidelines governing open space, streets, utilities, land use, or development adopted by the Former Agency pursuant to such unexpired redevelopment plans.

Section 3. The transfer of land use related plans and functions, as requested herein, does not create a new project area, add territory to, or expand or change the boundaries of a redevelopment project area, nor does it increase the amount of obligated property tax (formerly tax increment) necessary to fulfill any existing enforceable obligation beyond what was authorized as of June 27, 2011.

Section 4. The transfer of land use related plans and functions set forth herein shall constitute a change in the organization or reorganization of local governmental agencies for the purposes of the California Environmental Quality Act, and therefore, such request and the transfer shall be exempt from environmental review, pursuant to Section 15320 of Title 14 of the California Code of Regulations.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Resolution shall be and remain in full force and effect.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 7th day of September 2016, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

September 2, 2016

Item No: **8f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 7, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016- ,
APPROVING MARINA CITY COUNCIL REQUEST TO TRANSFER THE
LAND USE RELATED PLANS AND FUNCTIONS OF THE FORMER
MARINA REDEVELOPMENT AGENCY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2016- , approving Marina City Council request to transfer the land use related plans and functions of the Former Marina Redevelopment Agency.

BACKGROUND:

The City of Marina formed the Marina Redevelopment Agency in order to utilize tools granted to redevelopment agencies under State law to revitalize blighted areas of the City. The City of Marina adopted three Redevelopment Plans, the Marina Redevelopment Project Plan (Project Area No. 1), the Marina Municipal Airport Redevelopment Plan (Project Area No. 2) and the Former Fort Ord Redevelopment Plan (Project Area No. 3).

In June 2011, the State of California passed legislation Assembly Bill X1 26 dissolving all redevelopment agencies in the State of California and designating that successor agencies would succeed to the obligations of the former redevelopment agencies for purposes of winding down the redevelopment agencies.

At the regular meeting of January 10, 2012, the City Council adopted Resolution No. 2012-01, accepting designation and declaring intent to serve as the Successor Agency to the former Marina Redevelopment Agency. The Marina Redevelopment Agency was dissolved on February 1, 2012 and the Successor Agency succeeded to the rights and obligations of the former Redevelopment Agency.

In June 2012 the State of California enacted further legislation related to the dissolution of redevelopment agencies Assembly Bill 1484 (AB 1484). AB 1484 included Health and Safety Code Section 34173(i) that states in part:

“At the request of the city, county, or city and county, notwithstanding Section 33205, all land use related plans and functions of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of the redevelopment agency...”

ANALYSIS:

The Redevelopment Plans adopted by the City of Marina generally rely upon the City’s General Plan, Specific Plans and Zoning Ordinance to govern the land uses within the redevelopment project areas. However, there are some provisions of the Plans that could be considered land use provisions, including language that all land uses and improvements within the Project Areas require the approval of the Redevelopment Agency. This language was brought to the attention of the City by A.T. & T., which is renewing its lease for a wireless facility located within one of

the Project Areas. In order to ensure that no approval from the Successor Agency or the Oversight Board to the Successor Agency is necessary for land uses and developments within the Project Areas, staff and City's redevelopment counsel, Goldfarb & Lipman, are recommending that the City request that all land use functions of the former Redevelopment Agency be transferred to the City.

The Dissolution Statutes make clear that the only action necessary for the land use functions to transfer to the City is for the City to request such a transfer. The effect of the transfer will be clarity with regards to the approval process for future developments, land uses and improvements within the Redevelopment Project Areas.

FISCAL IMPACT:

Should the City Council approve this request, the adoption of the attached resolution will not have any fiscal impact.

CONCLUSION:

This request is submitted for the City Council consideration and approval.

Respectfully submitted,

Jeff Crechriou
Successor Agency Lead Staff &
Airport Services Manager
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina