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UNFINISHED BUSINESS

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Bill No: SB 475  
Author: Min (D), et al.  
Amended: 6/19/23  
Vote: 21

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SENATE GOVERNANCE & FIN. COMMITTEE: 8-0, 4/26/23  
AYES: Caballero, Seyarto, Blakespear, Dahle, Durazo, Glazer, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 40-0, 5/22/23  
AYES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

ASSEMBLY FLOOR: 73-0, 8/24/23 (Consent) - See last page for vote

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**SUBJECT:** Park property: City of Laguna Woods: City Centre Park

**SOURCE:** City of Laguna Woods  
Orange County Fire Authority

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**DIGEST:** This bill allows the City of Laguna Woods (City) in Orange County to use a portion of its City Centre Park property for the purpose of constructing a new fire station, if specified conditions are met.

*Assembly Amendments* require the City to complete the capital improvements identified in the capital improvement plan within three years of receiving approval from the Department of Parks and Recreation, make technical changes, and add a coauthor.

**ANALYSIS:**

## Existing law:

- 1) Provides, pursuant to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (RZH Program Act), annual grants to cities, counties, and districts for recreational purposes, open-space purposes, or both, on the basis of population and need.
- 2) Requires recipients of grants received under the RZH Program Act to agree to use park property only for the purposes for which the grant money was requested, unless amended by an act of the Legislature.
- 3) Prohibits, pursuant to the Public Park Preservation Act of 1971, public entities from using park property for any nonpark purpose, unless sufficient compensation or land is acquired to replace the park land and its facilities.

## This bill:

- 1) Authorizes the City, by January 1, 2026, to remove a portion of City Centre Park (Park) from public recreation use for the purpose of constructing a new fire station, subject to the reinvestment of \$212,000 in capital improvements to the remaining Park, as required by the receipt of previous state grant funds.
- 2) Defines the Park to mean “the approximately 0.32 acre portion of City Centre Park to be removed from public recreation use by the City and used as a fire station.”
- 3) States that the \$212,000 reinvestment is based upon an independent appraisal of the portion of the Park proposed to be removed from public recreation use.
- 4) Requires the City to develop a plan for capital improvements to be made to the remaining Park that meets the following requirements:
  - a) The plan must include \$212,000 of capital improvements in the remaining Park.
  - b) The City must conduct at least two community meetings to solicit the input of residents for the capital improvements to be made.
  - c) The City Council must approve the plan and it must be submitted to the state Department of Parks and Recreation (DPR) on or before January 1, 2025.
  - d) The plan must enhance the active or passive recreational utility to the public of the remaining Park.

- e) DPR must approve the plan developed pursuant to the requirements of the bill before any of the capital improvements it identifies are made to the remaining City Centre Park.
  - f) The City must complete the capital improvements identified in the plan within three years of receiving plan approval from DPR.
- 5) Provides legislative findings and declarations supporting its purposes and makes an additional finding and declaration regarding the need for special legislation.

## **Background**

*Park financing.* The Legislature has adopted, and the voters have approved, a number of measures to assist local agencies in funding parks and recreational services throughout California, including:

- The RZH Program Act (SB 174, Roberti, Chapter 160, Statutes of 1976) annually grants to cities, counties, and districts for recreational purposes, open-space purposes, or both, on the basis of population and need. Property acquired or developed with grant money from the RZH Program Act must be used by the grant recipient only for the purpose the grant moneys were requested.
- Community Parklands Act (SB 806, Presley, Chapter 5, Statutes of 1986) placed Proposition 43 on the statewide ballot where the voters approved the issuance of \$100 million in bonds to finance grants to counties, cities, and districts on the basis of their populations for neighborhood, community, and regional parks, among other things. This Act requires the applicant to agree that the property acquired or developed with these funds will be used only for the purposes for which the funds were requested and that no other use of the property will be allowed, unless permitted by a specific act of the Legislature.
- The Villaraigosa-Keeley Act (AB 18, Villaraigosa, Chapter 471, Statutes of 1999) placed Proposition 12 on the statewide ballot. This Act authorized a \$2.1 billion general obligation bond to provide funds to protect natural resources, improve water and air quality, preserve open space and farmland, protect wildlife habitats, and to repair and improve the safety of state and neighborhood parks. The Act requires grant recipients to use the property only for the purposes for which the grant was made except as authorized by a specific act of the Legislature.

- The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (AB 1602, Keeley, Chapter 875, Statutes of 2001) placed Proposition 40 on the statewide ballot. This Act authorized a \$2.6 billion general obligation bond to provide funds to conserve natural resources, acquire and improve state and local parks, and preserve historical and cultural resources. The Act requires grant recipients to use the property only for the purposes for which the grant was made except as authorized by specific act of the Legislature.
- The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (SB 5, De León, Chapter 852, Statutes of 2017) placed Proposition 68 on the statewide ballot. This Act authorized the issuance of bonds in an amount of \$4 billion pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

*City Centre Park.* According to the City, the City-owned Park was established in 2011. The Park consists of roughly 0.56 acres and serves the City's 17,644 residents, 80% of whom are 65 years of age or older, as well as visitors from neighboring areas. Currently, the only fire station located within the City is on its eastern border. According to the Orange County Fire Authority (OCFA), there has been an increase in call volume in recent years that has led to longer response times for the western portions of the City, which include residences, wildland-urban interface areas, and two 13-story residential towers. The City and the OCFA state that due to increased call volume, community growth, and traffic, there is a significant need for a second fire station strategically located within the City to provide improved delivery of services.

The OCFA reports that it conducted an analysis in 2019 of undeveloped sites that could physically accommodate a new fire station. The analysis determined that the Park would be the best location to serve the western portions of the City. As a result, the City would like to allow for approximately 0.32 acres of the Park property to be used to build a new fire station. According to the City, "The construction of a new fire station on this property would significantly improve response times and the delivery of lifesaving services, while also enhancing the portion of the Park that would remain by investing \$212,000 therein." In 2022, the City had the portion of the Park proposed for use as a fire station appraised. The appraisal estimated the fair market value of that portion to be \$212,000.

In 2004, the City was awarded a \$220,000 grant funded by Proposition 40 (2002) from the DPR to make a number of capital improvements to the Park property,

including construction of a concrete walking path and various landscaping enhancements. According to the City, the receipt of this state grant funding restricts the ability to use the land for non-park purposes.

### Comments

- 1) *Purpose of the bill.* According to the author, “The one fire station currently serving the City of Laguna Woods is located on its eastern boundary. In recent years there has been an increase in call volume, community growth, and traffic, which, in turn, has led to longer response times for emergencies in the western portions of the City. As a result, there is a significant need to have a second fire station, strategically located within the City, for improved delivery of services. SB 475 will allow the City and OCFA to build a new fire station that will enhance the delivery of services to residents, while also maximizing underutilized City Centre Park land. A new OCFA fire station will improve response times and accommodate the growing public safety demands of Laguna Woods residents and neighboring areas.”
- 2) *Not so fast.* If the Legislature enacts SB 475, the City must take a series of actions contingent on several factors, including approval by the DPR, and final approval by both the City Council and the OCFA Board of Directors that would result in construction of a new OCFA fire station. Should the legislation become effective and all approvals are obtained, the City estimates that the earliest construction might potentially begin is fiscal year 2024-25 due to the number and complexity of required planning activities.
- 3) *One purpose for another.* SB 475 authorizes removing a portion of the Park from public recreation use for a public safety purpose instead via a new fire station. As previously noted, because the City received state grant funds to make capital improvements to the Park, the funds must be used for enhancements to the Park. This bill addresses this restriction by requiring the appraised value of the portion of the park that would be used for the fire station, \$212,000, to be reinvested in the remaining area of the Park.

### Related/Prior Legislation

AB 954 (Petrie-Norris, 2022) would have allowed the City of Laguna Woods to lease specified park property to a public agency or joint powers authority for purposes related to fire protection or public safety. AB 954 was never heard in the Assembly Local Government Committee.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

According to the Assembly Appropriations Committee:

- Negligible state fiscal impact. The bill requires the Department to approve the city's capital improvement plan for the remaining park land and specifies there must be no state cost.

**SUPPORT:** (Verified 8/25/23)

City of Laguna Woods (co-source)

Orange County Fire Authority (co-source)

**OPPOSITION:** (Verified 8/25/23)

None received

**ARGUMENTS IN SUPPORT:** According to the City of Laguna Woods, "The City and OCFA have worked for many years to identify potential locations for a new fire station before concluding that the proposed location would be the most protective of public safety and cost effective."

**ASSEMBLY FLOOR:** 73-0, 8/24/23

**AYES:** Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Kalra, Lackey, Lee, Low, Lowenthal, Mathis, McCarty, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

**NO VOTE RECORDED:** Bonta, Gallagher, Garcia, Jones-Sawyer, Maienschein, McKinnor, Ward

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8/25/23 13:49:08

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