

Date of Hearing: July 12, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 178 (Wieckowski) – As Amended May 23, 2017

SENATE VOTE: 36-0

SUBJECT: Parklands: Centerville Park.

SUMMARY: Authorizes the City of Fremont to transfer to the Fremont Unified School District up to 4.6 acres of parkland in Centerville Park, pursuant to specified conditions. Specifically, **this bill:**

- 1) Authorizes the City of Fremont (City) to transfer to the Fremont Unified School District (District) up to 4.6 acres of parkland in Centerville Park, pursuant to certain conditions, including the following:
 - a) The City submits to the Department of Parks and Recreation (Department) a revised map of Centerville Park on or before June 1, 2018;
 - b) The transferred property is only used for a public school facility;
 - c) The City Council adopts an ordinance or takes other binding action that identifies two replacement parks, among other things, on or before March 1, 2018. The two replacement parks are described as:
 - i) No less than four acres of the property commonly known as Dusterberry Park as a replacement park property to be developed into a neighborhood public park; and,
 - ii) No less than four acres of Centerville Park property as replacement park property to be developed into a joint-use public park with the school district.
 - d) The City signs an agreement with the Department, which includes the two replacement parks, as specified, by June 1, 2018, and agrees to spend no less than \$6 million to develop the Dusterberry Park property and no less than \$5 million to develop the replacement park property, as specified, by June 30, 2023;
 - e) The City ensures that the two replacement park properties are maintained and operated in perpetuity for park purposes.
- 2) Contains an urgency statute clause due to the urgent need to develop the site for school purposes.

EXISTING LAW authorizes, pursuant to the California Wildlife, Coastal, and Park Land Conservation Act (Conservation Act), grants to be made by the Department of Parks and Recreation (Department) to cities, counties, districts, and nonprofit organizations for specified purposes, including purposes related to parks. The Conservation Act requires property acquired, developed, rehabilitated, or restored, pursuant to the Conservation Act, to be used only for

purposes of the Conservation Act and prohibits any other use of the property, except as authorized by the Legislature (Public Resources Code §5919(a)(2)).

FISCAL EFFECT: According to the Senate Appropriations Committee, the bill contains negligible state costs, pursuant to Rule 28.8.

COMMENTS:

- 1) **Bill Summary.** This bill authorizes the City of Fremont to transfer to the Fremont Unified School District up to 4.6 acres of undeveloped parkland at Centerville Park for the building of a school, pursuant to certain conditions. To replace the lost parkland, this bill requires that the two replacement parks be developed: 1) No less than four acres of a specific nearby property, known as Dusterberry Park; and, 2) No less than four acres of the Centerville Park property as a joint-use public park with the school district. This bill is sponsored by the author.
- 2) **Author's Statement.** According to the author, "SB 178 is needed to allow the city of Fremont to build a new school at Centerville Park. In agreement with the approved proposal submitted to the Office of Grants and Local Services, the city will create a joint-use park on the remainder of Centerville Park not used for the school as well as construct the proposed Dusterberry Neighborhood Park.

"The Fremont Unified School District has been dealing with significant overcrowding and faces running out of room for hundreds of students in the coming years. Enabling the city to build a new school in the Centerville area of Fremont will alleviate current overcrowding, particularly at Parkmont Elementary, and accommodate students in an area of the city where more residential developments are planned. With passage of this bill the city and school district can move forward with this proposal and provide the City of Fremont with both an additional elementary school that is greatly needed and an established park area for local residents."

- 3) **Background.** Centerville Park is a 10-acre undeveloped lot, covered with wild plants, located in Fremont, California. The City of Fremont purchased this park land from the Fremont School District in 1988.

Previous land transfers from park lands to school districts have occurred through legislation in recent years pursuant to the criteria established when that park land was purchased. For example, SB 1027 (Nielsen), Chapter 232, Statutes of 2016, authorized the County of Tehama to transfer to the Evergreen Union School District certain parkland if the county and the district enter into an agreement with the Department that transfers to the district all ongoing obligations of the county relating to the property, as specified, and certain other conditions are met. In addition, AB 1732 (Hall), Chapter 191, Statutes of 2010, authorized the City of Los Angeles to transfer specific park lands to the Los Angeles School District, and four years previously, AB 1864 (Matthews), Chapter 535, Statutes of 2006, authorized the City of Merced to transfer three acres of park land to the Merced City School District. All of these previous land transfers were conditioned upon certain criteria.

- 4) **Urgency clause.** This bill contains an urgency clause and requires a two-thirds vote of each house.

- 5) **Arguments in Support.** Supporters argue that the bill will allow the District and the City to jointly address the severe overcrowding facing the Fremont School system.
- 6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Fremont
Fremont Unified School District

Opposition

None on file

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