

Date of Hearing: June 28, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 475 (Min) – As Amended June 19, 2023

SENATE VOTE: 40-0

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

SUMMARY: Allows the City of Laguna Woods to use a portion of its City Centre Park property for the purpose of constructing a new fire station, if specified conditions are met. Specifically, **this bill:**

- 1) Allows the city, no later than January 1, 2026, to remove from public recreation use City Centre Park property improved with grant moneys from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Act).
- 2) Subjects the authorization outlined above to the reinvestment of \$212,000 in capital improvements, as described in 4) below, in the remaining City Centre Park, which shall be used for park purposes, subject to all applicable requirements of the grant funding received under the Act, and at no cost to the state.
- 3) States that the \$212,000 reinvestment was calculated by an independent appraisal of the fair market value of the City Centre Park property conducted in 2022 and submitted by the city to the Department of Parks and Recreation (department) in 2023.
- 4) Requires the city to develop a plan for capital improvements to be made to the remaining City Centre Park that meets the following requirements:
 - a) The plan shall include capital improvements in the amount of \$212,000 in the remaining City Centre Park.
 - b) The city shall conduct two community meetings to solicit the input of residents of the city for the capital improvements to be made.
 - c) The plan shall be approved by the city council of the city and submitted to the department on or before January 1, 2025.
 - d) The plan shall enhance the active or passive recreational utility to the public of the remaining City Centre Park.
- 5) Requires the plan developed pursuant to 4), above, to be approved by the department before any of the capital improvements identified in the plan are made to the remaining City Centre Park.
- 6) Requires the city to complete the capital improvements identified in the plan developed pursuant to 4), above, within three years of the department's approval of the plan.

- 7) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances concerning the City Centre Park property in the City of Laguna Woods and the desire of the city to increase public safety and emergency response times.
- 8) Provides the following definitions:
 - a) “City” means the City of Laguna Woods.
 - b) “City Centre Park property” means the approximately 0.32 acre portion of City Centre Park to be removed from public recreation use by the City of Laguna Woods and used as a fire station and for public safety purposes pursuant to the provisions of this bill.
 - c) “Department” means the Department of Parks and Recreation.
- 9) States the intent of the Legislature that the removal of park property and the reinvestment of funding for capital improvements in the City Centre Park authorized under this bill is for the sole purposes of enhancing recreational opportunities and improving public safety in the city, and not to facilitate industrial development.
- 10) Makes a number of findings and declarations regarding its purpose.

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

COMMENTS:

- 1) **Background.** 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’s communities. Among these is the Act, which was intended for a number of purposes and approved as Proposition 40 by voters on March 5, 2002.

One of the programs under the Act, the Per Capita Grant Program, provided for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas. Grantees received funds based on population, and were required to use the property only for the purpose for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature.

The department is responsible for developing and administering the Act, providing technical assistance to all grant applicants and ensuring that grant recipients adhere to the program requirements from which they received funding.

- 2) **City Centre Park.** According to the City of Laguna Woods, City Centre Park was established in 2011. The park consists of approximately 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. 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 OCFA assert that there is a significant need for a second fire station strategically located within the city to provide improved delivery of services to respond to increased call volume, community growth and traffic.

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. 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 of the park at \$212,000.

In 2004, the city was awarded a \$220,000 grant from the department under the Act's Per Capita Grant Program to make a number of capital improvements to the Park, including construction of a concrete walking path and various landscaping enhancements. The receipt of this state grant funding restricts the ability to use the land for non-park purposes.

- 3) **Author's Statement.** 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 of Laguna Woods 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 Wood residents and neighboring areas."

- 4) **Bill Summary.** This bill allows the City of Laguna Woods to use a portion of its City Centre Park property for a new fire station, no later than January 1, 2026. This authorization is contingent on the city reinvesting \$212,000 in capital improvements in the remaining park property. The city must develop a plan for these capital improvements that meets several requirements, including:
 - a) The city must conduct two community meetings to solicit the input of residents of the city for the capital improvements to be made.
 - b) The plan must be approved by the city council and submitted to the department by January 1, 2025.
 - c) The plan must enhance the active or passive recreational utility to the public of the remaining park property.

This capital improvement plan must be approved by the department before any of the capital improvements identified in the plan are made to the remaining park property. The capital improvements must be made within three years of the department's approval of the plan. This bill is sponsored by the City of Laguna Woods and OCFA.

- 5) **Previous Legislation.** AB 1476 (Gray), Chapter 718, Statutes of 2021, allowed the City of Modesto to dispose of specified park property that was developed with state grant funding if the city concurrently acquires a replacement property and complies with certain conditions.

AB 3172 (Gray) 2020, was substantially similar to AB 1476. AB 3172 was held in the Senate Governance and Finance Committee.

AB 1269 (Blanca Rubio) 2019, would have allowed the City of El Monte to dispose of a portion of Pioneer Park, subject to certain conditions. AB 1269 was held in the Senate Governance and Finance Committee.

AB 1330 (Reyes), Chapter 476, Statutes of 2018, allowed the Bloomington Recreation and Park District to dispose of property used for park purposes at Ayala Park, subject to certain conditions.

SB 178 (Weickowski), Chapter 458, Statutes of 2017, authorized the City of Fremont to transfer 4.6 acres of park property to the Fremont Unified School District, provided the City adhered to specific program guidelines, as defined.

SB 1027 (Nielsen), Chapter 232, Statutes of 2016, authorized the County of Tehama to transfer Evergreen Union School District specified park land, subject to the requirements of the grant program utilized to purchase and maintain the park.

AB 1864 (Matthews), Chapter 558, Statutes of 2006, authorized the City of Merced to transfer Merced City School District up to three acres of specified park land to construct a new elementary school, subject to the Public Preservation Act of 1971, and provided that the City followed specific requirements.

AB 1457 (Baca), Chapter 852, Statutes of 2006, authorized the City of San Bernardino to transfer up to 12.5 acres of specified park property to the Redevelopment Agency of the City of San Bernardino for sale to private development, provided that the City followed the requirements of the Public Park Preservation Act of 1971.

- 6) **Arguments in Support.** The City of Laguna Woods, co-sponsor of this measure, states, “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.

“The OCFA is a joint powers authority providing fire and emergency medical services (EMS) to the City and its residents. In 2022, there were 5,762 incident reports of which 4,483 were EMS calls. The only fire station located within the City is on its eastern boundary. An increase in call volume, community growth, and traffic is leading to longer travel times for the existing fire station in responding to the western portions of the City, which include residences, wildland-urban interface areas, and two 13-story residential towers. The City is advised by OCFA that the proposed location for a new Fire Station 12 would prevent exceedances of OCFA’s established optimal response time standards, which are based on national standards.

“The proposed location is known as City Centre Park (Park), owned by the City, and the recipient in 2004 of a \$220,000 Proposition 40 grant award for various capital improvements. This was only a portion of funding used by the City to improve the Park. 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 of the Park at \$212,000.”

7) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Laguna Woods
Orange County Fire Authority

Opposition

None on file

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