



## CITY OF FULLERTON

Office of the Mayor and City Council

CITY COUNCIL

Mayor, Bruce Whitaker  
Mayor Pro Tem, Doug Chaffee  
Jennifer Fitzgerald  
Greg Sebourn  
Jesus Silva

August 31, 2017

Senator Josh Newman  
State of California  
State Capitol, Room 4082  
Sacramento, California 95814

**RE: City of Fullerton SB 714**

Dear Senator Newman:

The City of Fullerton appreciates that our concerns as stated in our opposition letter to Senate Bill 714 (SB 714) has created an opportunity for you to consider amending the bill during this legislative year. As stated in our opposition letter, we requested that you reconsider moving forward with this legislation because it did not reflect the decades of planning, cooperation, and effort by the community of Fullerton to achieve a positive outcome for West Coyote Hills. In particular, as was emphasized in the letter of opposition, there was great concern how the wording of SB 714 at the time preempted local control for an area entirely within the City of Fullerton.

Since that letter dated August 4, 2017, I understand that there has been much effort to craft amendments to secure the \$15 million as designated in the State budget for West Coyote Hills. Those desired draft amendments, as attached to this letter, maintain the objectives of your original bill for conservation and access issues within West Coyote Hills and reflect the preservation of our local control while fulfilling acquisition goals to address natural resource preservation. As proposed, the amendments meet the guidelines of the City's Legislative Platform and, more importantly, meet the City's goals for West Coyote Hills as set forth in the Vesting Tentative Tract Map No. 17609 approved by the City Council.

Accordingly, as the Mayor of the City of Fullerton and acting on behalf of the City Council under the City's approved Legislative Platform, I want to convey that if the attached amendments are made to SB 714, the City of Fullerton will support the amended SB 714. I understand that the legislative process requires Legislative Counsel to review any amendments from your office in order to make official changes to SB 714. Please notify our City Manager, Mr. Ken Domer, at [kdomer@cityoffullerton.com](mailto:kdomer@cityoffullerton.com) regarding the outcome of this process at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Whitaker".

Bruce Whitaker  
Mayor

CC: Assembly Member Sharon Quirk-Silva  
Fullerton Council Members

Attachment: Proposed Amendments to SB 714

**THE EDUCATION COMMUNITY**

303 West Commonwealth Avenue, Fullerton, California 92832-1775  
(714) 738-6311 • Fax (714) 738-6758 • [council@cityoffullerton.com](mailto:council@cityoffullerton.com) • [www.cityoffullerton.com](http://www.cityoffullerton.com)



An act to add ~~and repeal~~ Chapter 4.7 (commencing with Section 31190) ~~to~~ of Division 21 of the Public Resources Code, relating to natural resources conservancy, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 714, as amended, Newman. State Coastal Conservancy: West Coyote Hills Conservancy Acquisition Funding Program.

(1) Existing law establishes the State Coastal Conservancy and prescribes the membership and functions and duties of the conservancy with regard to the protection, preservation, restoration, and enhancement of specified coastal lands. Existing law establishes the ~~State Coastal Conservancy Coastal~~ Trust Fund ~~for the deposit of any funds received by the conservancy to be used for the purposes of the conservancy,~~ to receive and disburse funds paid to the conservancy in trust for specified coastal purposes, ~~and requires that the conservancy and the Controller establish~~ establishes separate accounts in the fund for the purpose of separating deposits into the fund according to their origin.

This bill ~~would~~ would, until January 1, ~~2028,~~ 2020, establish the West Coyote Hills Conservancy Acquisition Funding Program, to be administered by the conservancy ~~and to undertake projects and award~~ for the purpose of awarding grants for property acquisitions in the West Coyote Hills area of the City of Fullerton, as described, for purposes relating to improvement of public access, and the protection, restoration, and enhancement of natural resources in the area. The bill would prescribe the duties of the conservancy with regard to ~~the implementation and administration of the~~ such acquisition funding program. The bill would create the West Coyote Hills Conservancy Acquisition Funding Program Account within the fund, for the purpose of depositing and disbursing funds, upon appropriation by the Legislature, for program purposes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

---

### BILL TEXT

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

Chapter 4.7 (commencing with Section 31190) is added to Division 21 of the Public Resources Code, to read:

#### **CHAPTER 4.7. West Coyote Hills Conservancy Acquisition Funding Program 31190.**

The West Coyote Hills Conservancy Acquisition Funding Program is hereby established, to be administered by the conservancy, to provide funding for property acquisition to address ~~the~~ natural resource preservation and recreational goals established by the City of Fullerton for the West Coyote Hills area ~~in a coordinated, comprehensive, and effective way.~~

### **31191.**

The Legislature hereby finds and declares both of the following:

(a) The ~~local governments and regions that bound the~~ West Coyote Hills area in ~~Orange County~~ constitute a region ~~the City of Fullerton constitutes an area~~ with unique natural resource and outdoor recreational needs.

(b) The West Coyote Hills ~~are~~ area is a central feature in an interconnected open-space system of southern California watersheds, natural habitats, scenic areas, agricultural lands, and regional trails.

### **31192.**

For purposes of this chapter, the following definitions apply:

(a) “City” means the City of Fullerton.

(b) “Program” means the West Coyote Hills Conservancy Acquisition Funding Program.

~~(b)~~ “(c) “Subdivision Approval” means the Vesting Tentative Tract Map approved by the City for the West Coyote Hills area” means the area surrounding the on November 17, 2015, including all terms and conditions of such approval and the existing certified environmental impact report for such approval.

(d) “West Coyote Hills ~~that~~area” means the 510-acre West Coyote Hills site which is located in the northwest area of the City adjacent to the 72.3 acre Robert E. Ward Nature Preserve which is more particularly described in the Subdivision Approval. The West Coyote Hills area is generally bounded by the Cities on the east by Euclid Street, on the north by the City of La Habra, Buena Park, on the west by the City of La Mirada, and Fullerton in the County of Orange on the south by Rosecrans Avenue and existing residential development.

### **31193.**

~~The conservancy may undertake projects and~~ award grants for property acquisition in the West Coyote Hills area to the City or a City-designated nonprofit organization in accordance with the conditions of the Subdivision Approval for the purpose of meeting the following objectives:

(a) To improve public access to, within, and around hills, ridgetops, and urban open spaces, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas.

(b) To protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance.

(c) To promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes.

### **31194.**

~~(a) The conservancy may acquire land through eminent domain subject to applicable conditions for just compensation established under the California and United States Constitutions and other relevant statutes.~~

~~(b) Any landproperty acquisition completedfunded pursuant to subdivision (a)the Program shall be consistent and shall comply with all-relevant laws governing-the appraisalterms and purchaseconditions of land-by public-agencies-at fair market value, the clean-up-of-contaminated property, Subdivision Approval and all other applicable planning and zoning requirements of the preparation-of-environmental-studiesCity. The conservancy shall not have authority under this chapter to undertake projects, prepare separate plans, or acquire, own, or manage lands and analysesfacilities, or oppose project applications made to any agency to carry out the Subdivision Approval.~~

### **31195.**

~~(a) The conservancy shall utilize the criteria specified in this subdivision to develop project priorities for the program that will to provide for development and acquisition projects, urban and rural projects, and open space and outdoor recreational projects. The conservancy shall give priority to projects that, to the greatest extent, extent feasible, meet the following criteria:~~

~~(1) Are supported by adopted local or regional plans.~~

~~(2) Are multijurisdictional or serve a regional constituency.~~

~~(3) Can be implemented in a timely way.~~

~~(4) Provide opportunities for benefits that could be lost if the project is not quickly implemented.~~

~~(5)~~

~~(4) Include matching funds from other sources of funding or assistance.~~

~~(b) (1) The conservancy shall be the lead agency with respect to the funding and development of projects within the program.~~

~~(2) The conservancy shall prepare a plan for purposes of this chapter, undertake projects, and award grants that are consistent with any its plan adopted covering the West Coyote Hills area.~~

~~(3) To advance the preparation of the plan, the conservancy shall collaborate with members of the public, local and regional public agencies, nonprofit land management organizations, and other interested parties.~~

~~(4) In developing and undertaking projects to implement the plan, areas for which access is to be managed or prohibited shall be determined in consultation the conservancy shall consult with the public and with relevant federal, state, and local agencies, and through comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000)), where applicable.~~

~~(5) Upon the completion of the plan, the conservancy shall consider the plan's adoption and inclusion of the appropriate elements of the plan in any plan adopted by the conservancy covering the West Coyote Hills area.~~

### **31196.**

~~(a) The West Coyote Hills Conservancy Acquisition Funding Program Account is hereby created in the State Coastal Conservancy Fund, Coastal Trust Fund, established pursuant to subdivision (a) of Section 31012, - for the purpose of depositing and disbursing funds, upon appropriation by the Legislature, for the administration and implementation of the West Coyote Hills Conservancy Program. All funds that are appropriated by the Legislature for the purposes of this chapter, and all reimbursements, proceeds of sale, or other moneys received by the conservancy for the purposes of this chapter and derived from projects funded from this account shall be deposited in this account. Interest on funds in this account shall accrue to the General Fund. The conservancy shall account for all deposits and reimbursements of funds in this account.~~

**31196.**

~~(b) Funds that are derived from other sources, exclusive of state or federal funds, for the purposes of this chapter, including, but not limited to, private donations, fees, penalties, and local government contributions, shall be deposited in the West Coyote Hills Conservancy Program Account, which is hereby established in the Coastal Trust Fund established pursuant to subdivision (a) of Section 31012, *Fund*, and shall be available, upon appropriation by the Legislature, for the administration and implementation of the program.~~

**31197.**

~~In order to benefit the West Coyote Hills area, the conservancy may undertake projects and award grants for activities that are compatible with the preservation, restoration, or enhancement of natural resources, or that facilitate environmental education related to these resources. These projects or activities may include, but are not limited to, exhibits or events emphasizing natural resource and wildlife education, local history, or the development of amenities and infrastructure consistent with this chapter.~~

**31198.**

~~The conservancy shall, by December 31, 2026, arrange for the transition and transfer of its responsibilities for the development and implementation of projects within the program to local and regional public agencies and nonprofit land management organizations.~~

**31199.**

This chapter shall remain in effect only until January 1, ~~2028~~2020, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, ~~2028~~2020, deletes or extends that date.

**SEC. 2.**

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that statutory changes necessary to authorize the State Coastal Conservancy to establish and implement the West Coyote Hills Conservancy Acquisition Funding Program are enacted at the earliest possible time, it is necessary that this act take effect immediately.