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SB-1052 Baldwin Hills Conservancy: urban watersheds conservancy expansion. (2021-2022)

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Senate Bill No. 1052

CHAPTER 714

An act to amend Sections 32550, 32551, 32553, 32555, 32556, 32565, 32565.5, 32567, 32568, 32571, 32573, 32574, and 32575 of, to amend the heading of Division 22.7 (commencing with Section 32550) of, to add Section 32573.1 to, and to repeal Section 32580 of, the Public Resources Code, relating to conservancies.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1052, Kamlager. Baldwin Hills Conservancy: urban watersheds conservancy expansion.

(1) The Baldwin Hills Conservancy Act establishes, until January 1, 2026, in the Natural Resources Agency, the Baldwin Hills Conservancy, created with the purpose, among other purposes, to acquire and manage public lands within the Baldwin Hills area, as defined.

This bill would provide that the purposes of the conservancy additionally include acquiring and managing public lands within the southern Ballona Creek Watershed and Upper Dominguez Channel area, rename the conservancy the Baldwin Hills and Urban Watersheds Conservancy, and make conforming changes.

The bill would repeal the January 1, 2026, sunset date, thereby extending the act indefinitely.

(2) The act requires the conservancy's governing board to consist of 13 voting members, including one member from the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located. The act requires 6 of these members to be appointed by the Governor with 4 out of that 6 to be residents of specified areas.

This bill would delete the above provisions relating to those members and expand the voting membership of the conservancy's board to consist of 15 voting members by including the mayors of the Cities of Los Angeles and Culver City, an appointee from the South Bay Cities Council of Governments, and a member of the Los Angeles County Board of Supervisors representing District 2. The bill would require the Governor to appoint 5 of the voting members, who are nominated by a city council or a neighborhood empowerment group, as provided.

The act requires the conservancy's board to also consist of 7 nonvoting members.

This bill would expand the nonvoting membership of the conservancy's board to consist of 12 nonvoting members by including the Director of the Los Angeles County Department of Public Works, among others, as provided.

(3) The act requires the conservancy to do certain things, including develop and coordinate an integrated program of resource stewardship so that the entire area is managed for optimum recreational and natural resource values, as provided.

This bill would also require the entire area to be managed for optimum climate resilience.

The act also requires the conservancy, as part of its duties, to approve conservancy funded projects, enter into a memorandum of understanding with the Department of Parks and Recreation, and approve a specified master, plan by May 1, 2002, as provided.

This bill would delete these duties and would instead require the conservancy to carry out projects and activities to further the purposes of the act, study the potential environmental and recreational uses of the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, and develop and adopt a proposed watershed and open-space plan for improvements in the conservancy territory, as provided. The bill would require a report on this plan to be provided to the Legislature on or before January 1, 2024.

The bill would establish the Baldwin Hills, Southern Ballona Creek Watershed, and Upper Dominguez Channel Urban Watershed Improvement Program, to be administered by the conservancy, for climate change adaptation improvements and to protect, conserve, and restore the health and resilience of the watersheds and communities of the region, in support of the requirements described above, as provided.

(4) The act requires the conservancy to administer any funds appropriated to it and any revenue generated by public agencies for the Baldwin Hills area and contributed to the conservancy, and authorizes the conservancy to expend those funds for capital improvements, land acquisition, or support of the conservancy's operations.

This bill would expressly require the conservancy to additionally administer any funds appropriated to it from a future bond act or local initiative measure, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. The heading of Division 22.7 (commencing with Section 32550) of the Public Resources Code is amended to read:

DIVISION 22.7. BALDWIN HILLS AND URBAN WATERSHEDS CONSERVANCY ACT

SEC. 2. Section 32550 of the Public Resources Code is amended to read:

32550. This division shall be known, and may be cited, as the Baldwin Hills and Urban Watersheds Conservancy Act.

SEC. 3. Section 32551 of the Public Resources Code is amended to read:

32551. The Legislature hereby finds and declares all of the following:

(a) The Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area within the County of Los Angeles and the Cities of Los Angeles and Culver City, among other cities, constitutes an area with unique and important cultural, scientific, educational, recreational, and scenic resources, and includes land with the highest elevation in the Los Angeles Basin.

(b) The state recognized the importance of, and the need for, recreational venues in this area by purchasing and establishing the Kenneth Hahn State Recreation Area in 1983, which is under the jurisdiction of the Department of Parks and Recreation. The County of Los Angeles operates the state recreation area pursuant to a contract with the Department of Parks and Recreation.

(c) In recognition of the evolving community needs in the Baldwin Hills area, in 1999 the Legislature directed the review and revision of the master plan for the existing state recreation area as well as the acquisition of other lands in the Baldwin Hills.

(d) As one of the last remaining urban open spaces in the County of Los Angeles, the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations.

(e) The Baldwin Hills and Urban Watersheds Conservancy should be created to develop and coordinate an integrated program of resources stewardship so that the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area is managed for its optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

SEC. 4. Section 32553 of the Public Resources Code is amended to read:

32553. As used in this division, the following terms have the following meanings:

(a) (1) "Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area" means the land area currently from the Santa Monica Freeway (Interstate 10) to the Harbor Freeway and Transit Way (Interstate 110), to Manchester Boulevard and Firestone Boulevard to Lincoln Boulevard (or Interstate 105), which includes the Kenneth Hahn State Recreation Area, the southern portion of the Ballona Creek Watershed, the Upper Dominguez Channel, and the Baldwin Hills community. "Baldwin

Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area” also includes Ballona Creek and adjacent property within 50 yards of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90). Ballona Creek is included in the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area for purposes of connectivity.

(2) For purposes of this subdivision, the following terms shall apply:

(A) “Southern Ballona Creek Watershed” means an approximately 40-square-mile portion of the area of land with the hydrologic unit code of 180701040300 including the Ballona Creek, a nine-mile long flood protection channel, including 50 yards on both sides of the channel for right-of-way, trail access, and greening. The physical boundaries are reflected in the Baldwin Hills and Urban Watersheds Conservancy maps and are described as follows: The northern boundary is the Santa Monica Freeway (Interstate 10); the eastern boundary extends to approximately San Pedro Street and continues down S. Avalon Boulevard to approximately Slauson Avenue, then recedes to approximately Western Avenue; the southern boundary aligns slightly above Manchester Avenue beginning in the City of Inglewood and continues to Playa Vista, veering south along Pershing Avenue to Imperial Highway. The watershed is composed of all or parts of the Cities of Culver City, Inglewood, Los Angeles, and Santa Monica, and unincorporated areas of View Park, Windsor Hills, and Ladera Heights.

(B) “Upper Dominguez Channel” means an approximately 33-square-mile portion of the area of land with the hydrologic unit code of 180701060101 including the Laguna Dominguez Trail, a one-mile long portion of the flood protection channel that drains the Los Angeles basin. The physical boundaries are reflected in the Baldwin Hills and Urban Watersheds Conservancy maps and are described as follows: The southern boundary aligns slightly above Manchester Avenue beginning in the City of Inglewood and continues to Playa Vista veering south along Pershing Avenue to Imperial Highway; the eastern boundary extends from S. Van Ness Avenue beginning in the City of Inglewood and progresses diagonally southeast to approximately Vermont Avenue at Interstate 105, and then receding back diagonally to Western Avenue at W. 135th Street; the southern boundary follows W. 135th Street and bisects the City of Hawthorne heading west to approximately S. Douglas Street into the City of El Segundo, excluding El Segundo Beach and Dunes, the Hyperion Water Reclamation Plant, and the Los Angeles Department of Water and Power Scattergood Generating Station, as well as any land or facilities included in the Chevron Products Company El Segundo Refinery, then continues into a portion of the City of Manhattan Beach bounded by approximately Rosecrans Avenue on the north, Highland Avenue to the west, and Pacific Coast Highway (Highway 1) on the east, with Gould Avenue at the southernmost point. As described, the watershed is composed of all or parts of the Cities of Inglewood, Hawthorne, El Segundo, and Manhattan Beach, and unincorporated areas of Del Aire, Lennox, and Westmont.

(b) “Board” means the governing board of the Baldwin Hills and Urban Watersheds Conservancy.

(c) “Conservancy” means the Baldwin Hills and Urban Watersheds Conservancy.

(d) “Fund” means the Baldwin Hills Conservancy and Urban Watersheds Fund created pursuant to subdivision (b) of Section 32574.

(e) “Nonprofit organization” means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(f) “Territory” means the land in the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area that is under the jurisdiction of the conservancy.

SEC. 5. Section 32555 of the Public Resources Code is amended to read:

32555. There is in the Natural Resources Agency, the Baldwin Hills and Urban Watersheds Conservancy, which is created for the following purposes:

(a) To acquire and manage public lands within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, and to provide recreational, open space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire lands for open space within the territory of the conservancy.

(c) To provide for the public’s enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

SEC. 6. Section 32556 of the Public Resources Code is amended to read:

32556. (a) The board shall consist of 15 voting members and 12 nonvoting members.

(b) The 15 voting members of the board shall consist of the following:

- (1) The Secretary of the Natural Resources Agency, or the secretary's designee.
- (2) The Director of Parks and Recreation, or the director's designee.
- (3) The Director of Finance, or the director's designee.
- (4) The Director of the Los Angeles County Department of Parks and Recreation, or the director's designee.
- (5) The Mayor of the City of Los Angeles, or the mayor's designee.
- (6) The Mayor of the City of Culver City, or the mayor's designee.
- (7) An appointee from the South Bay Cities Council of Governments.
- (8) A member of the Los Angeles County Board of Supervisors representing District 2, or the member's designee.
- (9) Five members of the public appointed by the Governor who are residents of Los Angeles County, as nominated by a city council or a neighborhood empowerment group, and who represent the diversity of the community surrounding the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.
- (10) A resident of Los Angeles County appointed by the Speaker of the Assembly, and a resident of Los Angeles County appointed by the Senate Committee on Rules.

(c) The 12 nonvoting members shall consist of the following:

- (1) The Secretary for Environmental Protection, or the secretary's designee.
- (2) The Executive Officer of the State Coastal Conservancy, or the executive officer's designee.
- (3) The Executive Officer of the State Lands Commission, or the executive officer's designee.
- (4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as "brownfields."
- (5) The Executive Director of the Santa Monica Mountains Conservancy, or the executive director's designee.
- (6) The Director of the Culver City Human Services Department, or the director's designee.
- (7) The Director of the Los Angeles County Department of Public Works, or the director's designee.
- (8) The Director of the City of Los Angeles Department of Recreation and Parks, or the director's designee.
- (9) The Director of the City of Inglewood Parks, Recreation and Community Services Department or the Director of the City of Inglewood Public Works Department, or their designee.
- (10) The President of the Board of Airport Commissioners of Los Angeles World Airports, or the president's designee.
- (11) The Director of the City of Los Angeles Department of Public Works, or the director's designee.
- (12) The Director of Conservation, or the director's designee.

(d) A quorum shall consist of eight voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least five of the voting members of the board shall be required for the transaction of any business of the board.

(e) The board shall do both of the following:

- (1) Study the potential environmental and recreational uses of Ballona Creek and the adjacent property described in subdivision (a) of Section 32553.
- (2) Develop a proposed map for that area.

SEC. 7. Section 32565 of the Public Resources Code is amended to read:

32565. The jurisdiction of the conservancy shall include only those lands or other areas that are donated to, or otherwise acquired by, or are operated by the conservancy, that are located in the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.

SEC. 8. Section 32565.5 of the Public Resources Code is amended to read:

32565.5. The conservancy shall do all of the following:

(a) Develop and coordinate an integrated program of resource stewardship so that the entire Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area is managed for optimum climate resilience and recreational and natural resource values based upon the needs and desires of the surrounding community.

(b) Establish policies and priorities within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(c) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.

(d) Carry out projects and activities to further the purposes of this division throughout the region and, in doing so, the board shall make every effort to ensure that, over time, conservancy funding and other efforts are spread equitably across each of the various subregions and among the stated goal areas, with adequate allowance for the variability of costs associated with individual regions and types of projects.

(e) Study the potential environmental and recreational uses of the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.

(f) (1) Develop and adopt a proposed watershed and open-space plan for improvements in the conservancy territory.

(2) (A) A report on the plan shall be provided to the Legislature on or before January 1, 2024.

(B) A report submitted pursuant to this paragraph shall be submitted in compliance with Section 9795 of the Government Code.

(C) This paragraph shall become inoperative on January 1, 2028, pursuant to Section 10231.5 of the Government Code.

SEC. 9. Section 32567 of the Public Resources Code is amended to read:

32567. The conservancy shall determine acquisition priorities and may acquire real property or any interest in real property within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area from willing sellers and at fair market value or on other mutually acceptable terms, upon a finding that the acquisition is consistent with the purposes of the conservancy. The conservancy may acquire the property itself, or may coordinate the acquisition with other public agencies with appropriate responsibility and available funding or land to exchange. The overall objectives of the land acquisition program shall be to assist in accomplishing land transactions that are mutually beneficial to the landowners and the conservancy, and that meet the conservancy's purposes. Neither the conservancy nor the State Public Works Board shall exercise the power of eminent domain for the purposes of this division. The conservancy shall have the first right of refusal to acquire, at the cost of acquisition, surplus public lands suitable for park and open space within the conservancy's territory, and may accept private or public lands offered for recreational trails.

SEC. 10. Section 32568 of the Public Resources Code is amended to read:

32568. (a) The conservancy may, within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects shall be directed by the conservancy and undertaken by other public agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach.

(b) The conservancy shall not, under any circumstances, extend the road designated as "Stocker Street" to Overland Avenue or to any street within the boundaries of the City of Culver City without the prior written approval of the city council.

SEC. 11. Section 32571 of the Public Resources Code is amended to read:

32571. (a) Local public agencies may enter into an agreement to transfer responsibility for the management of the land located within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area to the conservancy.

(b) Local public agencies shall retain exclusive authority over all zoning or land use regulations within their jurisdiction.

SEC. 12. Section 32573 of the Public Resources Code is amended to read:

32573. The conservancy shall do all of the following:

(a) Establish policies and priorities regarding the territory within the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(b) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area.

(c) Approve conservancy-funded projects that advance the policies and priorities set forth in this division.

(d) Review the master plan required pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 and implement prioritization for the acquisition and operation of additional recreational and open-space needs, including additional or upgraded facilities and parks that may be necessary or desirable.

SEC. 13. Section 32573.1 is added to the Public Resources Code, to read:

32573.1. (a) The Baldwin Hills, Southern Ballona Creek Watershed, and Upper Dominguez Channel Urban Watershed Improvement Program is hereby established, to be administered by the conservancy for climate change adaptation improvements, to protect, conserve, and restore the health and resilience of the watersheds and communities of the region, in support of the purposes and programs described in Section 32565.5. In implementing this program, the conservancy shall coordinate and collaborate with other state agencies, federal agencies, local entities, and stakeholders.

(b) In implementing this program, notwithstanding Section 32575, the conservancy may test new funding, policy, planning, and implementation approaches with the area covered by an initiative to test new ways of accomplishing the program objectives and goals described in subdivision (a), with the intent of broadening the scope of the initiative to apply to the entire program area.

(c) This section shall not be construed as requiring the Legislature to appropriate additional funds.

SEC. 14. Section 32574 of the Public Resources Code is amended to read:

32574. (a) The conservancy may fix and collect fees for the use of any land owned or controlled, or for any service provided, by the conservancy. No fee shall exceed the cost of maintaining and operating the land or of providing the service for which the fee is charged.

(b) The fee revenue and all other revenue received pursuant to this division shall be deposited in the Baldwin Hills and Urban Watersheds Conservancy Fund, which is hereby created in the State Treasury. The money in the fund shall be expended by the conservancy, upon appropriation by the Legislature, for the purposes of this division.

(c) Nothing in this act changes the Kenneth Hahn State Recreation Area's status to receive funds as part of the state parks system.

SEC. 15. Section 32575 of the Public Resources Code is amended to read:

32575. The conservancy shall administer any funds appropriated to it, including any funds appropriated to it for these purposes from any future bond act or local initiative measure, and any revenue generated by public agencies for the Baldwin Hills, southern Ballona Creek Watershed, and Upper Dominguez Channel area and contributed to the conservancy, and may expend those funds for capital improvements, land acquisition, or support of the conservancy's operations. Subject to Section 11005 of the Government Code, the conservancy may also accept any revenue, money, grants, goods, or services contributed to the conservancy by any public agency, private entity, or person, and, upon receipt, may expend any such revenue, money, or grants for capital improvements, land acquisitions, or support of the conservancy's operations.

SEC. 16. Section 32580 of the Public Resources Code is repealed.