

AMENDED IN SENATE JUNE 21, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1253

Introduced by Assembly Member Caballero

February 23, 2007

An act to add Division 44 (commencing with Section 75100) to the Public Resources Code, relating to land use, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Caballero. ~~Regional and local land use plans. Sustainable Communities and Urban Greening: grant program.~~

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 allocates \$580,000,000 for revitalizing communities and making them more sustainable and livable by investing in sound land use planning, local parks, and urban greening, and specifically authorizes \$90,000,000 for ~~planning grants and incentives to encourage~~, among other things, the development of ~~specified regional and local land use plans~~ *greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits*. The act also requires that these funds be made available upon appropriation by the Legislature.

This bill would create the Sustainable Communities ~~Regional and Local Land Use Planning~~ *Urban Greening Grant* Program within the Resources Agency and ~~would require that the secretary of the Resources Agency administer this program~~ *the Integrated Sustainable Planning*

Implementation Council to develop and administer a program to award grants, based on specified criteria, to improve the sustainability and livability of communities through green infrastructure. It would appropriate unspecified sums from the \$90,000,000 made available under the act for planning grants and incentives for the development of specified regional and local land use plans, for grants and loans to local governments, councils of governments, and other public agencies for these purposes, subject to specified criteria developed by the Office of Planning and Research.

The bill would require the Office of Planning and Research State Clearinghouse in the Governor’s Office of Planning and Research to prepare and develop proposed regulations for this program and to transmit them to the Secretary of the Resources Agency on or before October 1, 2008. The bill would also require the Secretary of the Resources Agency to certify and adopt the regulations pursuant to the Administrative Procedure Act.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 44 (commencing with Section 75100)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 44. SUSTAINABLE COMMUNITIES REGIONAL
5 AND LOCAL LAND USE PLANNING PROGRAM AND URBAN
6 GREENING GRANT PROGRAM

7
8 75100. (a) *The Legislature finds and declares all of the*
9 *following:*

10 (1) *It is necessary and in the public interest to revitalize this*
11 *state’s communities and make them more sustainable and livable*
12 *by investing in sound land use planning.*

13 (2) *At the November 7, 2006, statewide general election, this*
14 *state’s voters passed Proposition 84, “The Safe Drinking Water,*
15 *Water Quality and Supply, Flood Control, River and Coastal*
16 *Protection Bond Act of 2006,” and authorized approximately \$5.4*
17 *billion in state bonds.*

18 (3) *As added by that act, subdivision (a) of Section 75065 makes*
19 *ninety million dollars (\$90,000,000) available for urban greening*

1 *projects that reduce energy consumption, conserve water, improve*
2 *air and water quality, and provide other community benefits.*

3 *(4) As added by that act, subdivision (c) of Section 75065 makes*
4 *ninety million dollars (\$90,000,000) available for planning grants*
5 *and planning incentives, including revolving loan programs and*
6 *other methods to encourage the development of regional and local*
7 *land use plans that are designed to promote water conservation,*
8 *reduce automobile use and fuel consumption, encourage greater*
9 *infill and compact development, protect natural resources and*
10 *agricultural lands, and revitalize urban and community centers.*

11 *(b) Any program enacted by the Legislature to allocate these*
12 *bond funds should include criteria that reflect the range of*
13 *conditions in the state while staying focused on the clearly stated*
14 *intent of the voters.*

15 *(c) Urban greening can make communities more livable and*
16 *sustainable by improving air and water quality, reducing energy*
17 *consumption, conserving water, mitigating climate change, and*
18 *providing recreational and other community benefits.*

19 *(d) Urban greening can result in all of the following:*

20 *(1) More attractive and more livable communities.*

21 *(2) Safe recreational opportunities in underserved communities.*

22 *(3) Climate change mitigation through absorption of greenhouse*
23 *gases.*

24 *(4) Shading and cooling of buildings and conserving water,*
25 *thereby reducing energy use and greenhouse gas emissions.*

26 *(5) Air quality improvements through filtering particulates and*
27 *lowering the generation of photochemical smog.*

28 *(6) Reduction of the heat island effect.*

29 *(7) Reduction of polluted stormwater runoff by capturing*
30 *rainfall.*

31 *(8) Stormwater diversion, capture, cleanup, and reuse through*
32 *groundwater recharge and storage.*

33 *(9) Flood prevention by creating more permeable surfaces, and*
34 *attenuating and diverting flood flows.*

35 *(10) Habitat for birds and other urban wildlife.*

36 *(e) Many California communities and urban areas have lost*
37 *most of their green and open spaces, and these losses tend to be*
38 *greatest in low-income neighborhoods.*

39 *(f) It is the intent of the Legislature to ensure that applicants*
40 *for these funds exercise due diligence in obtaining matching funds*

1 *and other means of leverage to maximize the effectiveness of the*
 2 *bond funds.*

3 *(g) It is the intent of the Legislature to ensure that the needs of*
 4 *rural California, particularly in the areas of water conservation*
 5 *and the protection of natural resource and agricultural lands, are*
 6 *adequately addressed in any bond allocation criteria.*

7 *(h) It is the intent of the Legislature to ensure that those areas*
 8 *of the state where significant growth is projected to occur in the*
 9 *near future have access to adequate planning resources so that*
 10 *good planning exists before the growth occurs, thereby avoiding*
 11 *the need for more costly retroactive measures to correct past*
 12 *mistakes or insufficiencies.*

13 *75101. (a) The Integrated Sustainable Planning*
 14 *Implementation Council is established in state government. The*
 15 *council consists of the Secretary of the Resources Agency, the*
 16 *Secretary for Environmental Protection, and the Secretary of*
 17 *Business, Transportation and Housing.*

18 *(b) The Secretary of Business, Transportation and Housing*
 19 *shall serve as the initial chair of the council for a term of two*
 20 *years, after which the office of chair shall be held in rotation by*
 21 *the secretaries of the constituent agencies for two-year terms.*

22 *(c) The director of the State Clearinghouse within the*
 23 *Governor’s Office of Planning and Research shall serve as*
 24 *executive director of the council.*

25 *(d) For purposes of this division, “council” means the Integrated*
 26 *Sustainable Planning Implementation Council.*

27 *75102. One Senator, appointed by the Senate Committee on*
 28 *Rules, and one Member of the Assembly, appointed by the Speaker*
 29 *of the Assembly, shall meet with the council and may participate*
 30 *on the council to the extent that participation is not inconsistent*
 31 *with their respective offices as Members of the Legislature.*

32 *75103. The council’s meetings shall be open to the public and*
 33 *subject to the Bagley-Keene Open Meeting Act (Article 9*
 34 *(commencing with Section 11120) of Chapter 1 of Part 1 of*
 35 *Division 3 of Title 2 of the Government Code).*

36 *75104. The Planning Advisory and Assistance Council, created*
 37 *pursuant to subdivision (a) of Section 65040.6 of the Government*
 38 *Code, shall serve as the council’s advisory body and shall be*
 39 *convened by the director of the Governor’s Office of Planning and*
 40 *Research upon the request of the council.*

1 75105. *The Sustainable Communities and Urban Greening*
2 *Grant Program is hereby created in the Resources Agency.*

3 75106. (a) *Upon appropriation by the Legislature, funds made*
4 *available pursuant to subdivisions (a) and (c) of Section 75065*
5 *may be expended for the purposes of this division.*

6 (b) *The council shall develop and administer a program to*
7 *award grants to local public agencies and nonprofit organizations*
8 *for the purpose of improving the sustainability and livability of*
9 *communities through the development of green infrastructure that*
10 *provides multiple benefits, including improving air and water*
11 *quality, reducing energy consumption, conserving water, mitigating*
12 *climate change, and providing recreational and other community*
13 *benefits.*

14 75107. *Eligible projects funded pursuant to Section 75106*
15 *shall include all of the following:*

16 (a) *The development of sustainable community and urban*
17 *greening plans by local public agencies.*

18 (b) *Improvements to existing and planned public infrastructure*
19 *projects to provide environmental and community benefits,*
20 *including improved air and water quality, energy conservation,*
21 *community access to parklands and green space through the use*
22 *of landscaping, tree planting, permeable surfaces, environmental*
23 *design, and other methods of the types described in Section 75111.*
24 *Funds shall be used only to enhance projects beyond any mitigation*
25 *requirements under existing law.*

26 (c) *Development of joint use projects between two or more*
27 *public agencies, if the grant pursuant to this division is used to*
28 *match and leverage other infrastructure investment to provide*
29 *additional environmental and community benefits of the types*
30 *described in Section 75111.*

31 75108. *To be eligible for funding under Section 75107, a*
32 *sustainable community and urban greening plan shall identify*
33 *opportunities and establish targets for all of the following:*

34 (a) *Creating, expanding, and enhancing community green spaces*
35 *that provide multiple benefits.*

36 (b) *Designing infrastructure projects that utilize natural systems*
37 *to provide stormwater, air quality, water supply, flood*
38 *management, and other benefits.*

39 (c) *Encouraging interagency cooperation, integration, and*
40 *innovation.*

1 (d) Updating existing resource management plans, as air quality
 2 management plans, integrated regional water management plans,
 3 watershed plans, and other plans to achieve the purposes of this
 4 division.

5 75109. To be eligible for funding under Section 75107, a
 6 sustainable community and urban greening plan shall also include
 7 an assessment of the current status and potential to increase or
 8 enhance all of the following:

- 9 (a) Tree canopy.
- 10 (b) Greening of existing public lands, schools, and rights-of-way.
- 11 (c) Local parks and open space.
- 12 (d) Urban watershed management.
- 13 (e) Multiobjective stormwater projects.
- 14 (f) River parkway development and improvements.
- 15 (g) Urban stream restoration and enhancements.
- 16 (h) Urban forestry.
- 17 (i) Green roofs.
- 18 (j) Shaded parking lots.
- 19 (k) Community gardens and orchards.
- 20 (l) Urban heat island mitigation and energy conservation
- 21 through strategic tree planting.

22 75110. The council shall give priority to applicants that meet
 23 all of the following criteria:

- 24 (a) A general plan updated within the 10 years previous to the
- 25 date of application.
- 26 (b) A certified housing element of that general plan.
- 27 (c) Demonstrable achievement of planning goals and priorities
- 28 set forth in Section 75111.

29 75111. The council shall develop and administer a program
 30 of competitive grants to cities, counties, cities and counties,
 31 regional councils of government, and metropolitan transportation
 32 organizations to encourage and assist in the development and
 33 implementation of regional and local land use plans that further
 34 the goals set forth in subdivision (c) of Section 75065 and address
 35 all of the following state priorities:

- 36 (a) Provide for housing for all income groups to meet expected
- 37 population growth within the jurisdiction for the grantee.
- 38 (b) Reduce the community or region’s greenhouse gas emissions
- 39 related to transportation and land use consistent with the intent
- 40 of Chapter 488 of the Statutes of 2006.

- 1 (c) Promote water and energy conservation.
2 (d) Protect natural resources, open space, and agricultural
3 lands.
- 4 75112. Planning projects that are eligible to receive funding
5 under Section 75111 include the following:
- 6 (a) General plans, including the preparation, adoption, and
7 amendment of general plans pursuant to Article 5 (commencing
8 with Section 65300) and Article 6 (commencing with Section
9 65350) of Chapter 3 of Division 1 of Title 7 of the Government
10 Code, as well as compliance with the California Environmental
11 Quality Act (Division 13 (commencing with Section 21000)).
- 12 (b) Programs to implement city and county general plans,
13 including specific plans, habitat conservation plans, zoning
14 ordinances, and design standards. For the purposes of this division,
15 preparing and adopting programs to implement city and county
16 general plans shall include the preparation and adoption of
17 planning documents, the preparation and adoption of master
18 environmental impact reports, as defined by Section 21157, and
19 compliance with the California Environmental Quality Act
20 (Division 13 (commencing with Section 21000)).
- 21 (c) Adoption or expansion of Farmland Security Zone programs.
22 (d) Adoption of local farmland conversion mitigation
23 ordinances.
- 24 (e) Adoption, updates, or implementation of agricultural or
25 rangeland elements in general plans.
- 26 (f) Regional blueprint projects undertaken by councils of
27 governments.
- 28 75113. (a) Pursuant to Section 75111, grants may be made to
29 regional councils of government and metropolitan transportation
30 agencies that have adopted regional land use blueprints that
31 provide for reductions in air pollution and greenhouse gas
32 emissions related to transportation for the following purposes:
- 33 (1) Modification of regional plans to do all of the following:
- 34 (A) Improvement of identification and protection of natural
35 resources, open space, and agricultural lands.
- 36 (B) Identification of opportunities for increased transportation
37 efficiency.
- 38 (C) Planning to encourage mixed-income housing or promote
39 a variety of model projects that provide housing for all income
40 levels within the region.

1 (2) *Establishment of a program for loans and grants to local*
2 *governments within the region to fund planning necessary to*
3 *implement the regional blueprint.*

4 (b) *Grants to those local governments that have not developed*
5 *regional blueprints shall be awarded to assist in the development*
6 *of regional blueprints that provide for reduction in air pollution*
7 *and greenhouse gas and that achieve equivalent benefits as those*
8 *provided in subdivision (a).*

9 75114. *The State Clearinghouse in the Governor’s Office of*
10 *Planning and Research shall prepare and develop proposed*
11 *regulations for the implementation of this division. The regulations*
12 *shall be consistent with the state’s planning priorities set by Section*
13 *65041.1 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as introduced/amended
in Assembly, April 17, 2007 (JR11)**