

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 3, 2007

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**

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**Introduced by Assembly Member Caballero**

February 23, 2007

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An act to add Division 44 (commencing with Section 75100) to the Public Resources Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Caballero. 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, among other things, the development of 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 and Urban Greening Grant Program and the Integrated Sustainable Planning

Implementation Council to develop and administer ~~a program~~ *programs* to award grants *and loans*, based on specified criteria, to improve the sustainability and livability of communities through the development of green infrastructure.

The bill would ~~also require the council to develop and administer a program of competitive loans to cities, counties, cities and counties, regional councils of government, and metropolitan transportation organizations~~ *create, upon appropriation by the Legislature, the Planning Revolving Loan Program for the purpose of distributing funds to eligible planning projects to encourage and assist in the development and implementation of regional and local land use plans that further specified goals and address state priorities.*

Vote: majority. Appropriation: 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 AND  
5 URBAN GREENING GRANT PROGRAM  
6

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

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

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

17 (3) As added by that act, subdivision (a) of Section 75065 makes  
18 ninety million dollars (\$90,000,000) available for urban greening  
19 projects that reduce energy consumption, conserve water, improve  
20 air and water quality, and provide other community benefits.

21 (4) As added by that act, subdivision (c) of Section 75065 makes  
22 ninety million dollars (\$90,000,000) available for planning grants  
23 and planning incentives, including revolving loan programs and

1 other methods to encourage the development of regional and local  
2 land use plans that are designed to promote water conservation,  
3 reduce automobile use and fuel consumption, encourage greater  
4 infill and compact development, protect natural resources and  
5 agricultural lands, and revitalize urban and community centers.

6 (b) Any program enacted by the Legislature to allocate these  
7 bond funds should include criteria that reflect the range of  
8 conditions in the state while staying focused on the clearly stated  
9 intent of the voters.

10 (c) Urban greening can make communities more livable and  
11 sustainable by improving air and water quality, reducing energy  
12 consumption, conserving water, mitigating climate change, and  
13 providing recreational and other community benefits.

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

15 (1) More attractive and more livable communities.

16 (2) Safe recreational opportunities in underserved communities.

17 (3) Climate change mitigation through absorption of greenhouse  
18 gases.

19 (4) Shading and cooling of buildings and conserving water,  
20 thereby reducing energy use and greenhouse gas emissions.

21 (5) Air quality improvements through filtering particulates and  
22 lowering the generation of photochemical smog.

23 (6) Reduction of the heat island effect.

24 (7) Reduction of polluted stormwater runoff by capturing  
25 rainfall.

26 (8) Stormwater diversion, capture, cleanup, and reuse through  
27 groundwater recharge and storage.

28 (9) Flood prevention by creating more permeable surfaces, and  
29 attenuating and diverting flood flows.

30 (10) Habitat for birds and other urban wildlife.

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

34 (f) It is the intent of the Legislature to ensure that applicants for  
35 these funds exercise due diligence in obtaining matching funds  
36 and other means of leverage to maximize the effectiveness of the  
37 bond funds.

38 (g) It is the intent of the Legislature to ensure that the needs of  
39 rural California, particularly in the areas of water conservation and

1 the protection of natural ~~resource~~ *resources* and agricultural lands,  
 2 are adequately addressed in any bond allocation criteria.

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

9 75101. (a) The Integrated Sustainable Planning Implementation  
 10 Council is established in state government. The council consists  
 11 of the Secretary of the Resources Agency, the Secretary for  
 12 Environmental Protection, and the Secretary of Business,  
 13 Transportation and Housing.

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

18 (c) The director of the ~~State Clearinghouse within the~~  
 19 Governor’s Office of Planning and Research shall serve as  
 20 executive director of the council.

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

23 75102. One Senator, appointed by the Senate Committee on  
 24 Rules, and one Member of the Assembly, appointed by the Speaker  
 25 of the Assembly, shall meet with the council and may participate  
 26 on the council to the extent that participation is not inconsistent  
 27 with their respective offices as Members of the Legislature.

28 75103. The council’s meetings shall be open to the public and  
 29 subject to the Bagley-Keene Open Meeting Act (Article 9  
 30 (commencing with Section 11120) of Chapter 1 of Part 1 of  
 31 Division 3 of Title 2 of the Government Code).

32 ~~75104. The Planning Advisory and Assistance Council, created~~  
 33 ~~pursuant to subdivision (a) of Section 65040.6 of the Government~~  
 34 ~~Code, shall serve as the council’s advisory body on grant programs~~  
 35 ~~related to land use planning and shall be convened by the director~~  
 36 ~~of the Governor’s Office of Planning and Research upon the request~~  
 37 ~~of the council.~~

38 *75104. (a) The council shall develop and implement programs*  
 39 *for the grant and loan programs created by this division. The*  
 40 *programs shall do all of the following:*

1 (1) Provide guidelines for awarding grants and loans, including  
2 criteria for eligibility and criteria that give additional  
3 consideration.

4 (2) Provide criteria for determining the amounts of grants and  
5 loans, including consideration of the applicants' fiscal capacities.

6 (3) Provide for the payment of interest on loans made pursuant  
7 to this division. The rate of interest shall not exceed the rate earned  
8 by the Pooled Money Investment Board.

9 (4) Provide for the time periods for repaying the loans made  
10 pursuant to this division.

11 (5) Provide for the recovery of grant and loan funds from  
12 applicants that fail to complete the projects for which the grants  
13 or loans were awarded. The council shall direct the Controller to  
14 recover the funds by any available means.

15 (b) At the direction of the council, the director of the Governor's  
16 Office of Planning and Research shall do both of the following:

17 (1) Provide technical advice and assistance to applicants with  
18 the preparation of their applications for grants and loans pursuant  
19 to this division.

20 (2) Convene an advisory group to advise the council regarding  
21 the loan programs created pursuant to Sections 75106 and 75107.  
22 The advisory group shall include, at a minimum, representatives  
23 of cities, counties, councils of governments, and tribal governments  
24 of California Native American tribes that have reservations or  
25 rancherias within the state.

26 (c) The council may request a council of governments to review  
27 and endorse applications by cities and counties for grants and  
28 loans on the basis of their priorities for the implementation of  
29 regional blueprint projects or similar regional planning documents.

30 (d) Pursuant to Section 75070.5, the council shall not use more  
31 than 5 percent of the funds allocated for the purposes of this  
32 division to pay for the costs incurred in the administration of this  
33 division.

34 (e) Pursuant to Section 75078, the council shall cooperate with  
35 the Secretary of the Resources Agency in any independent audits  
36 of the expenditures made pursuant to this division.

37 75105. (a) Upon appropriation by the Legislature, the council  
38 shall create the Sustainable Communities and Urban Greening  
39 Project competitive grant program, which shall distribute funds  
40 made available pursuant to subdivision (a) of Section 75065.

1 (b) The purpose of the program is to improve the sustainability  
2 and livability of communities through the development of  
3 infrastructure that provides multiple benefits, uses existing public  
4 lands, serves communities with the greatest need, and facilitates  
5 joint use of public resources and investments, including, but not  
6 limited to, local school projects. Eligible projects include proposals  
7 to improve existing and planned public infrastructure that will  
8 provide environmental and community benefits.

9 (c) The funds appropriated to this program shall be used only  
10 to enhance projects beyond any mitigation requirements under  
11 existing law.

12 (d) The guidelines for the council, at a minimum, shall require  
13 an applicant's proposal to show how the project will do all of the  
14 following:

15 (1) Create, expand, and enhance community green spaces that  
16 provide multiple benefits, including, but not limited to, the  
17 enhancement of all of the following:

18 (A) Tree canopy.

19 (B) Greening of existing public lands, schools, and  
20 rights-of-way.

21 (C) Local parks and open space.

22 (D) Urban watershed management.

23 (E) Multi-objective stormwater projects.

24 (F) River parkway development and improvements.

25 (G) Urban stream restoration and enhancements.

26 (H) Urban forestry.

27 (I) Green roofs.

28 (J) Shaded parking lots.

29 (K) Community gardens and orchards.

30 (L) Urban heat island mitigation and energy conservation  
31 through strategic tree planting.

32 (2) Utilize natural systems.

33 (3) Encourage interagency cooperation, integration, and  
34 innovation.

35 (e) Eligible projects may include, but are not limited to,  
36 community access to parklands and green space through the use  
37 of landscaping, tree planting, permeable surfaces, and  
38 environmental design.

39 (f) The council shall give additional consideration to proposals  
40 for projects that meet one or more of the following criteria:

1 (1) The project is within a jurisdiction with a general plan that  
2 has been updated within the 10 years previous to the date of the  
3 application in a manner that is consistent with the program in  
4 Section 75106.

5 (2) The project is within a jurisdiction that has a certified  
6 housing element in their general plan.

7 (3) The project leverages other infrastructure investment to  
8 provide additional environmental and community benefits,  
9 including, but not limited to, joint-use projects between two or  
10 more public agencies.

11 ~~75106. The council shall develop and administer a program of~~  
12 ~~competitive loans to cities, counties, cities and counties, regional~~  
13 ~~councils of government, and metropolitan transportation~~  
14 ~~organizations to encourage and assist in the development and~~  
15 ~~implementation of regional and local land use plans that further~~  
16 ~~the goals set forth in subdivision (e) of Section 75065 and address~~  
17 ~~all of the following state priorities:~~

18 ~~(a) Provide for housing for all income groups to meet expected~~  
19 ~~population growth within the jurisdiction for the grantee.~~

20 ~~(b) Reduce the community or region's greenhouse gas emissions~~  
21 ~~related to transportation and land use consistent with the intent of~~  
22 ~~Chapter 488 of the Statutes of 2006.~~

23 ~~(c) Promote water and energy conservation.~~

24 ~~(d) Protect natural resources, open space, and agricultural lands.~~

25 *75106. (a) Upon appropriation by the Legislature, the council*  
26 *shall establish a Planning Revolving Loan Program, which shall*  
27 *distribute funds made available pursuant to subdivision (c) of*  
28 *Section 75065.*

29 *(b) Consistent with the state's planning priorities set by Section*  
30 *65041.1 of the Government Code, the purpose of the Planning*  
31 *Revolving Loan Program is to encourage the development of*  
32 *regional and local land use plans that are designed to promote*  
33 *water conservation, reduce automobile use and fuel consumption,*  
34 *encourage greater infill and compact development, protect natural*  
35 *resources and agricultural lands, and revitalize urban and*  
36 *community centers.*

37 75107. Planning projects that are eligible to receive funding  
38 under Section 75106 include the following:

39 (a) General plans, including the preparation, adoption, and  
40 amendment of general plans pursuant to Article 5 (commencing

1 with Section 65300) and Article 6 (commencing with Section  
2 65350) of Chapter 3 of Division 1 of Title 7 of the Government  
3 Code, *including the application of geographic information systems*,  
4 as well as compliance with the California Environmental Quality  
5 Act (Division 13 (commencing with Section 21000)).

6 (b) ~~Programs~~ *Projects* to implement city or county general plans;  
7 ~~including specific plans, habitat conservation plans, zoning~~  
8 ~~ordinances, and design standards~~. For the purposes of this division,  
9 preparing and adopting programs to implement city or county  
10 general plans shall include the preparation and adoption of planning  
11 documents, ~~the preparation and adoption of master environmental~~  
12 ~~impact reports, as defined by Section 21157~~, and compliance with  
13 the California Environmental Quality Act (Division 13  
14 (commencing with Section 21000)). *Eligible implementation*  
15 *projects include, but are not limited to, all of the following:*

- 16 (1) *Master environmental impact reports.*
- 17 (2) *Specific plans.*
- 18 (3) *Habitat conservation plans.*
- 19 (4) *Zoning ordinances.*
- 20 (5) *Design standards.*
- 21 (6) *Geographic information systems.*
- 22 (7) *Farmland security zones.*
- 23 (8) *Farmland conversion mitigation ordinances.*
- 24 (9) *Optional general plan elements, such as agricultural or*  
25 *rangeland elements.*

26 (e) ~~Adoption or expansion of Farmland Security Zone programs.~~

27 (d) ~~Adoption of local farmland conversion mitigation ordinances.~~

28 (e) ~~Adoption, updates, or implementation of agricultural or~~  
29 ~~rangeland elements in general plans.~~

30 (f) ~~Regional blueprint projects undertaken by councils of~~  
31 ~~governments.~~

32 ~~75108. (a) Pursuant to Section 75106, loans may be made to~~  
33 ~~regional councils of government and metropolitan transportation~~  
34 ~~agencies that have adopted regional land use blueprints that provide~~  
35 ~~for reductions in air pollution and greenhouse gas emissions related~~  
36 ~~to transportation for the following purposes:~~

- 37 (1) ~~Modification of regional plans to do all of the following:~~  
38 (A) ~~Improvement of identification and protection of natural~~  
39 ~~resources, open space, and agricultural lands.~~

1 ~~(B) Identification of opportunities for increased transportation~~  
2 ~~efficiency.~~

3 ~~(C) Planning to encourage mixed-income housing or promote~~  
4 ~~a variety of model projects that provide housing for all income~~  
5 ~~levels within the region.~~

6 ~~(2) Establishment of a program for loans and grants to local~~  
7 ~~governments within the region to fund planning necessary to~~  
8 ~~implement the regional blueprint.~~

9 ~~(b) Loans to those local governments that have not developed~~  
10 ~~regional blueprints shall be awarded to assist in the development~~  
11 ~~of regional blueprints that provide for reduction in air pollution~~  
12 ~~and greenhouse gas and that achieve equivalent benefits as those~~  
13 ~~provided in subdivision (a).~~

14 ~~(c) Collaborative growth plans that commit a county and the~~  
15 ~~cities, if any, in that county to undertake feasible implementation~~  
16 ~~programs that carry out policies for housing needs, protection of~~  
17 ~~agricultural land and other resources, revenue and tax sharing~~  
18 ~~agreements for countywide services, and other policies that support~~  
19 ~~efficient land use patterns.~~

20 ~~(d) Regional blueprint projects undertaken by councils of~~  
21 ~~government and other countywide authorities. In awarding loans~~  
22 ~~for regional blueprint projects, the council shall give first priority~~  
23 ~~to the councils of governments and other countywide authorities~~  
24 ~~that were not previously eligible to receive a Regional Blueprint~~  
25 ~~Planning Grant distributed through the Department of~~  
26 ~~Transportation as part of the federal Safe, Accountable, Flexible,~~  
27 ~~Efficient Transportation Equity Act: A Legacy for Users~~  
28 ~~(SAFETEA-LU) (Public Law 109-59).~~

29 ~~(e) Projects to implement regional blueprint projects that were~~  
30 ~~previously funded by a Regional Blueprint Planning Grant~~  
31 ~~distributed through the Department of Transportation as part of~~  
32 ~~the federal Safe, Accountable, Flexible, Efficient Transportation~~  
33 ~~Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law~~  
34 ~~109-59). Eligible implementation projects include, but are not~~  
35 ~~limited to, all of the following:~~

36 ~~(1) Improvements, including geographic information systems,~~  
37 ~~to the identification of natural resources, open space, and~~  
38 ~~agricultural lands.~~

39 ~~(2) Identification of opportunities for increased transportation~~  
40 ~~efficiencies.~~

- 1     (3) *Planning for mixed-use and other projects that accommodate*
- 2     *housing opportunities for persons and families of all income levels.*
- 3     (4) *Projects that assist in reducing air pollution and greenhouse*
- 4     *gas emissions.*

O