

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2651**

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**Introduced by Assembly Member Gomez**

February 19, 2016

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An act to ~~add Chapter 10.5 (commencing with Section 5845) to Division 5 of the Public Resources Code; amend Section 816.52 of the Civil Code, relating to greenways, and making an appropriation therefor.~~ *greenways.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as amended, Gomez. ~~Urban Water and Transportation Environmental Revitalization Grant Program. Greenway easements: amenities.~~

*The Greenway Development and Sustainment Act applies certain creation and transfer provisions similar to those of conversation easements to greenway easements. The act defines various terms for purposes of the act, including "greenway," to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and "greenway easement," to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions.*

*This bill would instead require a greenway to incorporate an array of amenities only within an urbanized area, as defined.*

~~Existing law establishes various plans and programs intended to preserve, protect, and rehabilitate lands adjacent to rivers in the state.~~

~~This bill would require the Natural Resources Agency to establish and administer a grant program, known as the Urban Water and Transportation Environmental Revitalization Grant Program. The bill would require the program to provide grants for projects that develop greenways in areas that are adjacent to an urban creek in certain areas, and would require an entity that receives a grant under the program to provide a matching cost share. The bill would appropriate \$500,000,000 from the General Fund to the agency for purposes of the program and would prohibit more than 5% of these moneys from being used for administrative costs of the program.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: *yes-no*. Fiscal committee: *yes no*. State-mandated local program: *no*.~~

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

1     SECTION 1. Section 816.52 of the Civil Code is amended to  
2     read:

3     816.52. For purposes of this chapter, the following definitions  
4     apply:

5     (a) (1) “Adjacent” means within 400 yards from the property  
6     boundary of an existing urban waterway.

7     (2) This subdivision does not create a new authority to place or  
8     extend an easement on private property that is not part of a  
9     voluntary agreement.

10    (b) “Greenway” means a pedestrian and bicycle, nonmotorized  
11    vehicle transportation, and recreational travel corridor that meets  
12    the following requirements:

13    (1) Includes landscaping that improves rivers and streams,  
14    provides flood protection benefits, and incorporates the significance  
15    and value of natural, historical, and cultural resources, as  
16    documented in the local agency’s applicable planning document,  
17    including, but not limited to, a master plan, a general plan, or a  
18    specific plan.

19    (2) Is separated and protected from shared roadways, is adjacent  
20    to an urban waterway, and incorporates both ease of access to  
21    nearby communities and an array of amenities *within an urbanized*  
22    *area* and services for the users of the corridor and nearby  
23    communities.

1 (3) Is located on public lands or private lands, or a combination  
2 of public and private lands, where public access to those lands for  
3 greenway purposes has been legally authorized by, or legally  
4 obtained from, the fee owner of the land and, if applicable, the  
5 operator of any facility or improvement located on the land,  
6 through leases, easements, or other agreements entered into by the  
7 fee owner and the operator of any affected facility or improvement  
8 on the land.

9 (4) Reflects design standards regarding appropriate widths,  
10 clearances, setbacks from obstructions, and centerlines protecting  
11 directional travel, and other considerations, as appropriate, that  
12 are applicable for each affected local agency, as documented in  
13 the local agency's applicable planning document, including, but  
14 not limited to, a master plan, general plan, or specific plan.

15 (5) May incorporate appropriate lighting, public ~~amenities,~~  
16 *amenities within an urbanized area*, art, and other features that are  
17 consistent with a local agency's planning document, including,  
18 but not limited to, a general plan, master plan, or specific plan.

19 (c) "Greenway easement" means any limitation in a deed, will,  
20 or other instrument in the form of an easement, restriction,  
21 covenant, or condition that is or has been executed by or on behalf  
22 of the owner of the land subject to the easement and is binding  
23 upon successive owners of that land, for the purpose of developing  
24 greenways adjacent to urban waterways.

25 (d) "Local agency" means a city, county, or city and county.

26 (e) "*Urbanized area*" has the same meaning as set forth in  
27 *Section 21071 of the Public Resources Code*.

28 (e)

29 (f) "Urban waterway" means a creek, stream, or river that crosses  
30 (1) developed residential, commercial, or industrial property or  
31 (2) open space where the land use is designated as residential,  
32 commercial, or industrial, as referenced in a local agency's  
33 planning document, including, but not limited to, a general plan,  
34 master plan, or specific general plan.

35 ~~SECTION 1. Chapter 10.5 (commencing with Section 5845)~~  
36 ~~is added to Division 5 of the Public Resources Code, to read:~~

1           ~~CHAPTER 10.5. URBAN WATER AND TRANSPORTATION~~  
2           ~~ENVIRONMENTAL REVITALIZATION GRANT PROGRAM~~

3  
4       5845. ~~(a) The Natural Resources Agency shall establish and~~  
5 ~~administer a grant program, to be known as the Urban Water and~~  
6 ~~Transportation Environmental Revitalization Grant Program. The~~  
7 ~~program shall provide grants for projects that develop greenways,~~  
8 ~~as defined in Section 816.52 of the Civil Code, in areas that are~~  
9 ~~adjacent to an urban creek, as defined in subdivision (c) of Section~~  
10 ~~7048 of the Water Code, and its tributaries, and that are within the~~  
11 ~~areas described in Division 22.8 (commencing with Section 32600)~~  
12 ~~and Division 23 (commencing with Section 33000).~~

13       ~~(b) An entity that receives a grant pursuant to this chapter shall~~  
14 ~~be required to provide a matching cost share.~~

15       ~~SEC. 2. The sum of five hundred million dollars (\$500,000,000)~~  
16 ~~is hereby appropriated from the General Fund to the Natural~~  
17 ~~Resources Agency for purposes of Section 1 of this act. No more~~  
18 ~~than 5 percent of these moneys shall be used for administrative~~  
19 ~~costs of the grant program.~~