

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1006

Introduced by Senator Pavley

February 10, 2010

An act to amend Sections ~~75125~~ 75120, 75125, and 75129 of the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Pavley. Natural resources: climate change: Strategic Growth Council.

Existing law requires the Strategic Growth Council to take certain actions with regard to coordinating programs of member state agencies to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. *Existing law defines certain terms for the purposes of the Strategic Growth Council.*

This bill would also require the council to take certain actions with regard to coordinating programs to address climate change impacts. The bill would require the council to provide guidelines and distribute data and information to local governments and regional agencies that will assist in developing and implementing climate change adaptation strategies, projects, or activities, as described. *The bill would also define "financial assistance" for purposes of the council.*

Existing law requires the council, to support the planning and development of sustainable communities, to manage and award financial

assistance to a city, county, or nonprofit organization for the preparation, planning, and implementation of a specified urban greening project.

This bill would, instead, require the council to manage and award financial assistance to a ~~nonprofit organization, council of governments, countywide authority, a metropolitan planning organization, local government, special district, joint powers authority,~~ *city, county, special district, nonprofit organization, council of governments, metropolitan planning organization,* or entity formed under a joint powers agreement. The bill would provide that ~~grants~~ *financial assistance* shall be awarded for those specified activities.

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. Section 75120 of the Public Resources Code is
2 amended to read:

3 75120. For purposes of this chapter, the following definitions
4 shall apply:

5 (a) “Council” means the Strategic Growth Council established
6 pursuant to Section 75121.

7 (b) “Financial assistance” means any of the following:

8 (1) A revolving loan.

9 (2) A grant, only if the applicant lacks the fiscal capacity to
10 carry out the project without a grant in accordance with criteria
11 developed pursuant to paragraph (2) of subdivision (d) of Section
12 75125.

13 (3) For purposes of Section 75128, planning incentives as
14 provided pursuant to subdivision (c) of Section 75065.

15 ~~(b)~~

16 (c) “Regional plan” means either of the following:

17 (1) A long-range transportation plan developed pursuant to
18 Section 134(g) of Title 23 of the United States Code and any
19 applicable state requirements.

20 (2) A regional blueprint plan, which is a regional plan that
21 implements statutory requirements intended to foster
22 comprehensive planning as defined in Section 65041.1 of, Chapter
23 2.5 (commencing with Section 65080) of Division 1 of Title 7 of,
24 and Article 10.6 (commencing with Section 65580) of Chapter 3
25 of Division 1 of Title 7 of, the Government Code. A regional

1 blueprint plan articulates regional consensus and performance
2 outcomes on a more efficient land use pattern that supports
3 improved mobility and reduces dependency on single-occupancy
4 vehicle trips; accommodates an adequate supply of housing for all
5 income levels; reduces impacts on valuable farmland, natural
6 resources, and air quality, including the reduction of greenhouse
7 gas emissions, increases water and energy conservation and
8 efficiency; and promotes a prosperous economy and safe, healthy,
9 sustainable, and vibrant neighborhoods.

10 ~~SECTION 4.~~

11 *SEC. 2.* Section 75125 of the Public Resources Code is
12 amended to read:

13 75125. The council shall do all of the following:

14 (a) Identify and review activities and funding programs of
15 member state agencies that may be coordinated to improve air and
16 water quality, improve natural resource protection, increase the
17 availability of affordable housing, improve transportation, meet
18 the goals of the California Global Warming Solutions Act of 2006
19 (Division 25.5 (commencing with Section 38500) of the Health
20 and Safety Code), address climate change impacts, encourage
21 sustainable land use planning, and revitalize urban and community
22 centers in a sustainable manner. At a minimum, the council shall
23 review and comment on the five-year infrastructure plan developed
24 pursuant to Article 2 (commencing with Section 13100) of Chapter
25 2 of Part 3 of Division 3 of the Government Code and the State
26 Environmental Goals and Policy Report developed pursuant to
27 Section 65041 of the Government Code.

28 (b) Recommend policies and investment strategies and priorities
29 to the Governor, the Legislature, and to appropriate state agencies
30 to encourage the development of sustainable communities, such
31 as those communities that promote equity, strengthen the economy,
32 protect the environment, and promote public health and safety,
33 consistent with subdivisions (a) and (c) of Section 75065.

34 (c) Provide, fund, and distribute data and information to local
35 governments and regional agencies that will assist in developing
36 and planning sustainable communities.

37 (d) Provide guidelines and distribute data and information to
38 local governments and regional agencies that will assist in
39 developing and implementing climate change adaptation strategies,
40 projects, or activities that do all of the following:

- 1 (1) Protect, *conserve, restore*, or enhance natural ecosystem
2 functions.
- 3 (2) Use ~~effective nonstructural~~ approaches to protect
4 communities, including practices that utilize, enhance, or mimic
5 natural processes and functions.
- 6 (3) Avoid environmental degradation and emission of
7 greenhouse gases.
- 8 (e) Manage and award grants and loans to support the planning
9 and development of sustainable communities, pursuant to Sections
10 75127, 75128, and 75129. To implement this subdivision, the
11 council may do all of the following:
- 12 (1) Develop guidelines for awarding financial assistance,
13 including criteria for eligibility and additional consideration.
- 14 (2) Develop criteria for determining the amount of financial
15 assistance to be awarded. The council shall award a revolving loan
16 to an applicant for a planning project, unless the council determines
17 that the applicant lacks the fiscal capacity to carry out the project
18 without a grant. The council may establish criteria that would allow
19 the applicant to illustrate an ongoing commitment of financial
20 resources to ensure the completion of the proposed plan or project.
- 21 (3) Provide for payments of interest on loans made pursuant to
22 this article. The rate of interest shall not exceed the rate earned by
23 the Pooled Money Investment Board.
- 24 (4) Provide for the time period for repaying a loan made
25 pursuant to this article.
- 26 (5) Provide for the recovery of funds from an applicant that fails
27 to complete the project for which financial assistance was awarded.
28 The council shall direct the Controller to recover funds by any
29 available means.
- 30 (6) Provide technical assistance for application preparation.
- 31 (7) Designate a state agency or department to administer
32 technical and financial assistance programs for the disbursing of
33 grants and loans to support the planning and development of
34 sustainable communities, pursuant to Sections 75127, 75128, and
35 75129.
- 36 (f) No later than July 1, 2010, and every year thereafter, provide
37 a report to the Legislature that shall include, but is not limited to,
38 all of the following:
- 39 (1) A list of applicants for financial assistance.
- 40 (2) Identification of which applications were approved.

- 1 (3) The amounts awarded for each approved application.
- 2 (4) The remaining balance of available funds.
- 3 (5) A report on the proposed or ongoing management of each
- 4 funded project.
- 5 (6) Any additional minimum requirements and priorities for a
- 6 project or plan proposed in a grant or loan application developed
- 7 and adopted by the council pursuant to subdivision (c) of Section
- 8 75126.

9 ~~SEC. 2.~~

10 *SEC. 3.* Section 75129 of the Public Resources Code is

11 amended to read:

12 75129. (a) To support the planning and development of

13 sustainable communities, the council shall manage and award

14 financial assistance to a *city, county, special district*, nonprofit

15 organization, council of governments, ~~countywide authority,~~

16 metropolitan planning organization, ~~local government, special~~

17 ~~district, joint powers authority,~~ or entity formed pursuant to Chapter

18 5 (commencing with Section 6500) of Division 7 of the

19 Government Code, if at least one of the parties to the joint powers

20 agreement qualifies as an eligible applicant. ~~Grants Financial~~

21 *assistance* shall be awarded for the preparation, planning, and

22 implementation of an urban greening project that provides multiple

23 benefits, including, but not limited to, a decrease in air and water

24 pollution, a reduction in the consumption of natural resources and

25 energy, an increase in the reliability of local water supplies, or an

26 increased adaptability to climate change. An eligible project funded

27 pursuant to this section shall not include a mitigation action that

28 is required under existing law. The financial assistance provided

29 pursuant to this section shall be funded from moneys made

30 available pursuant to subdivision (a) of Section 75065.

31 (b) The council shall develop minimum requirements for funding

32 eligible projects pursuant to this section, which shall require a

33 project to meet at least one of the following criteria:

34 (1) Use natural systems, or systems that mimic natural systems,

35 to achieve the benefits identified in subdivision (a).

36 (2) Create, enhance, or expand community green spaces.

37 (c) The multiple benefits of a project, may include, but are not

38 limited to, the establishment or enhancement of one or more of

39 the following:

40 (1) Tree canopy.

- 1 (2) Urban forestry.
- 2 (3) Local parks and open space.
- 3 (4) Greening of existing public lands and structures, including
- 4 schools.
- 5 (5) Multi-objective stormwater projects, including construction
- 6 of permeable surfaces and collection basins and barriers.
- 7 (6) Urban streams, including restoration.
- 8 (7) Community, demonstration, or outdoor education gardens
- 9 and orchards.
- 10 (8) Urban heat island mitigation and energy conservation efforts
- 11 through landscaping and green roof projects.
- 12 (9) Nonmotorized urban trails that provide safe routes for both
- 13 recreation and travel between residences, workplaces, commercial
- 14 centers, and schools.
- 15 (d) The council shall give additional consideration to a funding
- 16 project pursuant to this section that meets one or more of the
- 17 following criteria:
- 18 (1) The project uses interagency cooperation and integration.
- 19 (2) The project uses existing public lands and facilitates use of
- 20 public resources and investments including schools.
- 21 (3) The project is proposed by an economically disadvantaged
- 22 community.
- 23 (e) Up to 25 percent of the moneys allocated pursuant to
- 24 subdivision (a) of Section 75065 may be used to award ~~revolving~~
- 25 ~~loans or grants~~ *financial assistance* to a *city, county, special*
- 26 *district, nonprofit organization, council of governments,*
- 27 ~~countywide authority, metropolitan planning organization, local~~
- 28 ~~government, special district, joint powers authority,~~ or entity
- 29 formed pursuant to Chapter 5 (commencing with Section 6500)
- 30 of Division 7 of the Government Code, if at least one of the parties
- 31 to the joint powers agreement qualifies as an eligible applicant.
- 32 ~~Grants~~ *Financial assistance* shall be awarded for the purpose of
- 33 creating urban greening plans that will serve as the master
- 34 document guiding and coordinating greening projects in the
- 35 applicant’s jurisdiction. These urban greening plans shall be
- 36 consistent with the jurisdiction’s general plan or regional plan,
- 37 where one exists.

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