

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1006**

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**Introduced by Senator Pavley**

February 10, 2010

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An act to amend Sections 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 additionally to provide, fund, and distribute information to local governments and regional agencies regarding 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 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 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 (c) “Regional plan” means either of the following:  
 16 (1) A long-range transportation plan developed pursuant to  
 17 Section 134(g) of Title 23 of the United States Code and any  
 18 applicable state requirements.  
 19 (2) A regional blueprint plan, which is a regional plan that  
 20 implements statutory requirements intended to foster  
 21 comprehensive planning as defined in Section 65041.1 of, Chapter  
 22 2.5 (commencing with Section 65080) of Division 1 of Title 7 of,  
 23 and Article 10.6 (commencing with Section 65580) of Chapter 3  
 24 of Division 1 of Title 7 of, the Government Code. A regional  
 25 blueprint plan articulates regional consensus and performance

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

9 SEC. 2. Section 75125 of the Public Resources Code is  
10 amended to read:

11 75125. The council shall do all of the following:

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

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

32 (c) Provide, fund, and distribute data and information to local  
33 governments and regional agencies that will assist in developing  
34 and planning sustainable communities, including information  
35 regarding climate change adaptation strategies, projects, or  
36 activities that do all of the following:

37 (1) Protect, conserve, restore, or enhance natural ecosystem  
38 functions.

1 (2) Use effective approaches to protect communities *from the*  
2 *impacts of climate change*, including practices that utilize, enhance,  
3 or mimic natural processes and functions.

4 (3) Avoid *or minimize, or both*, environmental degradation and  
5 emission of greenhouse gases.

6 (d) Manage and award grants and loans to support the planning  
7 and development of sustainable communities, pursuant to Sections  
8 75127, 75128, and 75129. To implement this subdivision, the  
9 council may do all of the following:

10 (1) Develop guidelines for awarding financial assistance,  
11 including criteria for eligibility and additional consideration.

12 (2) Develop criteria for determining the amount of financial  
13 assistance to be awarded. The council shall award a revolving loan  
14 to an applicant for a planning project, unless the council determines  
15 that the applicant lacks the fiscal capacity to carry out the project  
16 without a grant. The council may establish criteria that would allow  
17 the applicant to illustrate an ongoing commitment of financial  
18 resources to ensure the completion of the proposed plan or project.

19 (3) Provide for payments of interest on loans made pursuant to  
20 this article. The rate of interest shall not exceed the rate earned by  
21 the Pooled Money Investment Board.

22 (4) Provide for the time period for repaying a loan made  
23 pursuant to this article.

24 (5) Provide for the recovery of funds from an applicant that fails  
25 to complete the project for which financial assistance was awarded.  
26 The council shall direct the Controller to recover funds by any  
27 available means.

28 (6) Provide technical assistance for application preparation.

29 (7) Designate a state agency or department to administer  
30 technical and financial assistance programs for the disbursing of  
31 grants and loans to support the planning and development of  
32 sustainable communities, pursuant to Sections 75127, 75128, and  
33 75129.

34 (e) No later than July 1, 2010, and every year thereafter, provide  
35 a report to the Legislature that shall include, but is not limited to,  
36 all of the following:

37 (1) A list of applicants for financial assistance.

38 (2) Identification of which applications were approved.

39 (3) The amounts awarded for each approved application.

40 (4) The remaining balance of available funds.

1 (5) A report on the proposed or ongoing management of each  
2 funded project.

3 (6) Any additional minimum requirements and priorities for a  
4 project or plan proposed in a grant or loan application developed  
5 and adopted by the council pursuant to subdivision (c) of Section  
6 75126.

7 SEC. 3. Section 75129 of the Public Resources Code is  
8 amended to read:

9 75129. (a) To support the planning and development of  
10 sustainable communities, the council shall manage and award  
11 financial assistance to a city, county, special district, nonprofit  
12 organization, ~~council of governments, metropolitan planning~~  
13 ~~organization~~, or entity formed pursuant to Chapter 5 (commencing  
14 with Section 6500) of Division 7 of the Government Code, if at  
15 least one of the parties to the joint powers agreement qualifies as  
16 an eligible applicant. Financial assistance shall be awarded for the  
17 preparation, planning, and implementation of an urban greening  
18 project that provides multiple benefits, including, but not limited  
19 to, a decrease in air and water pollution, a reduction in the  
20 consumption of natural resources and energy, an increase in the  
21 reliability of local water supplies, or an increased adaptability to  
22 climate change. An eligible project funded pursuant to this section  
23 shall not include a mitigation action that is required under existing  
24 law. The financial assistance provided pursuant to this section shall  
25 be funded from moneys made available pursuant to subdivision  
26 (a) of Section 75065.

27 (b) The council shall develop minimum requirements for funding  
28 eligible projects pursuant to this section, which shall require a  
29 project to meet at least one of the following criteria:

30 (1) Use natural systems, or systems that mimic natural systems,  
31 to achieve the benefits identified in subdivision (a).

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

33 (c) The multiple benefits of a project, may include, but are not  
34 limited to, the establishment or enhancement of one or more of  
35 the following:

36 (1) Tree canopy.

37 (2) Urban forestry.

38 (3) Local parks and open space.

39 (4) Greening of existing public lands and structures, including  
40 schools.

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