

AMENDED IN ASSEMBLY MAY 1, 2014
AMENDED IN ASSEMBLY MARCH 20, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1922

Introduced by Assembly Member Gomez

February 19, 2014

An act to amend Section 815.3 of the Civil Code, to amend Section 65560 of the Government Code, and to add Chapter 10.5 (commencing with Section 5845) to Division 5 of the Public Resources Code, relating to open-space lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1922, as amended, Gomez. Greenway Development and Sustainment Act.

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

This bill would enact the Greenway Development and Sustainment Act, which is intended to promote the development of greenways along rivers in the state, including the development of a greenway along the Los Angeles River. The bill would define the term "greenway" for purposes of the bill; and would authorize a city, county, city and county, or other local government entity to designate lands along a river in its jurisdiction, upon approval of its legislative body by ordinance or resolution, or by incorporating such a designation into an adopted general plan element or adopted river master plan, and to apply for public or private funding available for the development of a greenway in its jurisdiction, to be used in a manner consistent with applicable state laws.

Existing law authorizes certain entities and organizations to acquire and hold conservation easements, including *a* tax exempt nonprofit ~~organizations~~ *organization* qualified to do business in this state that has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, *or* open-space *condition* or use.

This bill would also authorize such a tax exempt nonprofit organization to acquire and hold a conservation easement if the organization has as its primary purpose the development of a greenway.

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. (a) The Legislature hereby finds and declares
2 all of the following:

3 (1) Open-space land is necessary not only for the maintenance
4 of the economy of the state, but for, among other purposes, the
5 enjoyment of scenic beauty, recreation, and the use and
6 preservation of natural resources. Moreover, the growing
7 population of the state makes it important that existing open-space
8 resources be preserved and well maintained, and that access to
9 those resources be ensured for the health benefits and well-being
10 of the state’s population. The preservation of open-space land is
11 especially critical in urban areas where the amount of usable
12 open-space land is limited.

13 (2) Open-space land provides relief from the effects of urban
14 congestion and opportunities for relaxation, exercise, community
15 interaction, and the observation and appreciation of wildlife, which
16 helps to combat both physical and psychological stress. Trees
17 located on open-space land also provide shade and help reduce
18 ambient temperatures and restore oxygen to the atmosphere.

19 (3) Greenways are public infrastructure located along natural
20 landscape features such as urban watercourses, which, because of
21 their linear structure, help to physically and psychologically
22 connect various neighborhoods with one another while providing
23 a means of habitat connectivity.

24 (4) Greenways can directly improve the quality of life in
25 communities by providing important recreational, open-space land,
26 wildlife, flood management, water quality, air quality,

1 transportation, emergency response, and urban waterfront
2 revitalization benefits to those communities.

3 (5) Greenways can foster livable communities by utilizing public
4 lands for multiple, complementary purposes, such as placemaking,
5 connecting diverse communities, reducing dependence on
6 automobiles, expanding nonmotorized transportation networks
7 with safer routes to jobs, homes, and schools, encouraging more
8 transit-oriented development, and facilitating healthier behaviors
9 by providing opportunities for exercise and the maintenance of a
10 healthy, active lifestyle.

11 (6) Greenways can be ~~complemented~~ *complement* and ~~enhanced~~
12 ~~by installing~~ *enhance* public amenities and public-serving retail
13 ~~and~~ services that provide additional access to historically
14 underserved ~~urban~~ communities *by attracting residents and visitors*
15 *to these areas*. Greenways ~~also attract residents and visitors, and~~
16 *can* increase public safety ~~by fostering~~ *and foster* improved civic
17 vigilance. ~~Other public-private partnerships in greenways~~
18 *Greenways* in cities throughout the world have demonstrated the
19 effectiveness and benefits of sustainable and successful
20 public-private partnerships.

21 (7) Greenways encourage healthier residential communities by
22 facilitating development that allows people to live closer to job
23 centers and use public transportation alternatives.

24 (8) Greenways reduce the amount of parking necessary for small
25 businesses because of reduced automobile traffic, encourage the
26 development of affordable housing in urban areas, and promote
27 walking and cycling and increased community interaction.

28 (9) Greenways encourage economic investment and community
29 revitalization by connecting people in new ways.

30 (b) The Legislature finds and declares the following with regard
31 to the development of a greenway along the Los Angeles River:

32 (1) The Los Angeles River is a site that is particularly suited
33 for the development of a greenway. A Los Angeles River greenway
34 that focuses on public-private partnerships aimed at establishing
35 a continuous pedestrian bikeway along the Los Angeles River and
36 its key tributaries would foster job creation, economic development,
37 and community revitalization.

38 (2) A Los Angeles River greenway that establishes a continuous
39 pedestrian bikeway along the Los Angeles River and its key
40 tributaries would encourage community revitalization by investing

1 in an efficient cycling and walking recreational transit route
2 following the 51-mile Los Angeles River corridor. The greenway
3 would also connect existing communities along the Los Angeles
4 River to a network of parks and multiuse public trails.

5 (3) A Los Angeles River greenway would build upon a long
6 history of support for a multiuse greenway network along the most
7 significant river in the nation's second largest city. Since the 1980s,
8 residents of the Los Angeles area have been advocating for the
9 development of a trail network along the Los Angeles River. The
10 County of Los Angeles' Los Angeles River Master Plan in 1996,
11 the City of Los Angeles' Los Angeles River Revitalization Master
12 Plan in 2007, the City of Los Angeles Bicycle Plan in 2010, the
13 County of Los Angeles Bicycle Plan in 2012, and President
14 Obama's prioritization of the Los Angeles River trail system in
15 the President's America's Great Outdoors Initiative in 2012 all
16 promote the development of a river trail system along the Los
17 Angeles River.

18 (4) A Los Angeles River greenway would build upon a long
19 history of investment by the state in the development of parks and
20 trails along the Los Angeles River, including Rio de Los Angeles
21 State Park and Los Angeles State Historic Park. Moreover, a Los
22 Angeles River greenway would complement the work of key state
23 entities, including the Santa Monica Mountains Conservancy and
24 various other state rivers and mountains conservancies.

25 (5) Because of its ability to leverage private investments to
26 match commitments of public funds, the development of a Los
27 Angeles River greenway by the City of Los Angeles would allow
28 the state to concentrate and streamline investments it has already
29 made in communities adjacent to the Los Angeles River, and would
30 provide a funding model for types of investments funding
31 greenways that may be replicated in other priority urban waterways
32 in the future.

33 (6) Because a greenway is a transportation corridor that
34 promotes sustainability, it is eligible for alternative fuels funding,
35 transportation funding, and other nontraditional river funding.

36 (7) Given the current fiscal constraints facing public agencies,
37 it is time for the state to acknowledge and take advantage of the
38 ability of private sector investments to sustain public infrastructure
39 at all levels. Efforts to promote investment in the Los Angeles

1 River trail system should be encouraged to prevent partial,
2 disjointed, and inefficient development of the trail system.

3 (8) A Los Angeles River greenway would provide a social and
4 natural resource amenity that would be complete and accessible
5 to the public in the next seven years, and would be a resource that
6 could be utilized and enjoyed by children in the Los Angeles area
7 during their childhood years.

8 (9) A Los Angeles River greenway would improve the
9 conditions of daily life in Los Angeles' urban communities and
10 would increase the value of the state's investments while providing
11 critically needed, tangible urban waterway revitalization in the
12 Los Angeles area.

13 (10) A greenway should be established in the area encompassing
14 the Los Angeles River from its headwaters in the Community of
15 Canoga Park to a point of discharge into the Pacific Ocean at San
16 Pedro Bay in the City of Long Beach, with a width of one-quarter
17 to one mile on both banks and at least one mile upstream along
18 both banks of its tributaries, as feasible. Within the City of Los
19 Angeles, the greenway could be coterminous with the area included
20 in the Los Angeles River Improvement Overlay district.

21 (11) The County of Los Angeles' Los Angeles River Master
22 Plan and the City of Los Angeles' Los Angeles River Revitalization
23 Master Plan call for the development of a greenway along the Los
24 Angeles River.

25 (c) It is therefore the intent of the Legislature in enacting Chapter
26 10.5 (commencing with Section 5845) of Division 5 of the Public
27 Resources Code to promote the development of greenways along
28 rivers in the state through public and private partnership, including
29 the development of a greenway along the Los Angeles River.

30 SEC. 2. Section 815.3 of the Civil Code is amended to read:

31 815.3. Only the following entities or organizations may acquire
32 and hold conservation easements:

33 (a) A tax-exempt nonprofit organization qualified under Section
34 501(c)(3) of the Internal Revenue Code and qualified to do business
35 in this state that has as its primary purpose the preservation,
36 protection, or enhancement of land in its natural, scenic, historical,
37 agricultural, forested, *or* open-space condition or use, or the
38 development of a greenway, as defined in Section 5846 of the
39 Public Resources Code.

1 (b) The state or any city, county, city and county, district, or
 2 other state or local governmental entity, if otherwise authorized
 3 to acquire and hold title to real property and if the conservation
 4 easement is voluntarily conveyed. No local governmental entity
 5 may condition the issuance of an entitlement for use on the
 6 applicant’s granting of a conservation easement pursuant to this
 7 chapter.

8 (c) A federally recognized California Native American tribe or
 9 a nonfederally recognized California Native American tribe that
 10 is on the contact list maintained by the Native American Heritage
 11 Commission to protect a California Native American prehistoric,
 12 archaeological, cultural, spiritual, or ceremonial place, if the
 13 conservation easement is voluntarily conveyed.

14 SEC. 3. Section 65560 of the Government Code is amended
 15 to read:

16 65560. (a) “Local open-space plan” is the open-space element
 17 of a county or city general plan adopted by the board or council,
 18 either as the local open-space plan or as the interim local
 19 open-space plan adopted pursuant to Section 65563.

20 (b) “Open-space land” is any parcel or area of land or water that
 21 is essentially unimproved and devoted to an open-space use as
 22 defined in this section, and that is designated on a local, ~~regional~~
 23 *regional*, or state open-space plan as any of the following:

24 (1) Open space for the preservation of natural resources
 25 including, but not limited to, areas required for the preservation
 26 of plant and animal life, including habitat for fish and wildlife
 27 species; areas required for ecologic and other scientific study
 28 purposes; rivers, streams, bays and estuaries; and coastal beaches,
 29 lakeshores, banks of rivers and streams, greenways, and watershed
 30 lands.

31 (2) Open space used for the managed production of resources,
 32 ~~including~~ *including*, but not limited to, forest lands, rangeland,
 33 agricultural ~~lands~~ *lands*, and areas of economic importance for the
 34 production of food or fiber; areas required for recharge of
 35 groundwater basins; bays, estuaries, marshes, rivers and streams
 36 which are important for the management of commercial fisheries;
 37 and areas containing major mineral deposits, including those in
 38 short supply.

39 (3) Open space for outdoor recreation, ~~including~~ *including*, but
 40 not limited to, areas of outstanding scenic, ~~historic~~ *historic*, and

1 cultural value; areas particularly suited for park and recreation
2 purposes, including access to lakeshores, beaches, and rivers and
3 streams; and areas that serve as links between major recreation
4 and open-space reservations, including utility easements, banks
5 of rivers and streams, trails, greenways, and scenic highway
6 corridors.

7 (4) Open space for public health and safety, including, but not
8 limited to, areas that require special management or regulation
9 because of hazardous or special conditions such as earthquake
10 fault zones, unstable soil areas, flood plains, watersheds, areas
11 presenting high fire risks, areas required for the protection of water
12 quality and water reservoirs, and areas required for the protection
13 and enhancement of air quality.

14 (5) Open space in support of the mission of military installations
15 that comprises areas adjacent to military installations, military
16 training routes, and underlying restricted airspace that can provide
17 additional buffer zones to military activities and complement the
18 resource values of the military lands.

19 (6) Open space for the protection of places, features, and objects
20 described in Sections 5097.9 and 5097.993 of the Public Resources
21 Code.

22 SEC. 4. Chapter 10.5 (commencing with Section 5845) is added
23 to Division 5 of the Public Resources Code, to read:

24

25 CHAPTER 10.5. GREENWAY DEVELOPMENT AND SUSTAINMENT
26 ACT

27

28 5845. This chapter shall be known, and may be cited, as the
29 Greenway Development and Sustainment Act.

30 5846. For purposes of this chapter, “greenway” means a
31 pedestrian and bicycle, nonmotorized vehicle transportation, and
32 recreational travel corridor that meets the following requirements:

33 (a) Is separated and protected from shared roadways, parallels
34 an urban waterway, and incorporates both ease of access to adjacent
35 communities and an array of amenities and services for the users
36 of the corridor and nearby communities.

37 (b) Is publicly accessible and located on a combination of public
38 and private lands, if public access to those lands is provided by
39 lands owned in fee simple, leases, or easements.

1 (c) Reflects design standards with appropriate widths,
2 clearances, setbacks from obstructions, and centerlines protecting
3 directional travel, where appropriate.

4 (d) Incorporates appropriate landscaping, lighting, public
5 amenities, and art.

6 5847. (a) A city, county, city and county, or other local
7 government entity may designate lands along a river in its
8 jurisdiction as a greenway, upon approval of its legislative body
9 by ordinance or resolution, or by incorporating such a designation
10 into an adopted general plan element or an adopted river master
11 plan.

12 (b) A city, county, city and county, or other local government
13 entity may adopt ordinances or resolutions that regulate public
14 health and safety or traffic within a designated greenway in its
15 jurisdiction.

16 5848. A city, county, city and county, or other local government
17 entity may apply for public or private funding available for the
18 development of a greenway in its jurisdiction, and any funds
19 secured for that purpose shall be used in a manner consistent with
20 applicable state laws. Funding that may be secured for the purposes
21 of this chapter is not limited to parkway, riverway, or other
22 water-related funds. A city, county, or city and county may also
23 seek transportation, alternative fuel, greenhouse gas reduction, or
24 other land use funds for the purposes of this chapter.

25 ~~5849. A city, county, city and county, or other local government~~
26 ~~entity that obtains federal lands access program funding under~~
27 ~~Section 204(a)(1) of Title 23 of the United States Code shall be~~
28 ~~given priority with regard to the provision of state funding for~~
29 ~~greenway development under this chapter.~~