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BILL TEXT

CHAPTERED

CHAPTER 879

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INTRODUCED BY Senator Vasconcellos

(Coauthors: Senators Bowen, Machado, Ortiz, Romero, Scott, and Torlakson)

(Coauthors: Assembly Members Alquist, Aroner, Calderon, Cedillo, Chan, Chu, Diaz, Florez, Goldberg, Kehoe, Liu, Shelley, and Strom-Martin)

FEBRUARY 20, 2001

An act to add and repeal Chapter 1.73 (commencing with Section 5097.7) of Division 5 of the Public Resources Code, relating to historical resources, and making an appropriation therefor.

(Approved by Governor October 13, 2001. Filed with Secretary of State October 14, 2001.)

I have signed SB 307 with a deletion of the \$450,000 General Fund appropriations.

This bill would create the California Japantown Preservation Pilot Project, which would require the State Librarian to provide a one-time grant to the City of Los Angeles, the City of San Jose and the City and County of San Francisco to promote the preservation of these important neighborhoods.

Although I am deleting the appropriation, I am signing AB 1602 that, if enacted by the voters, will provide \$267.5 million for cultural and historical preservation capital outlay projects. Additionally, I am directing the Department of Parks and Recreation to provide \$150,000 from existing resources for the purposes of the bill until other appropriate sources of funding are available.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 307, Vasconcellos. Historical resources: California Japantown Preservation Pilot Project.

(1) Existing law vests with the Department of Parks and Recreation control of the state park system, and requires the department to administer various programs relating to state historical resources. Existing law also requires local legislative bodies, or the local

planning agency if directed by the local legislative body, to prepare specific plans for the systematic implementation of the jurisdiction's general plan.

This bill would create, until July 1, 2004, the California Japantown Preservation Pilot Project, which would require the State Librarian to provide a one-time grant to the City of Los Angeles, the City of San Jose, and the City and County of San Francisco, for the purposes of aiding in the preparation, adoption, or implementation of specific plans that promote the preservation of existing Japantown neighborhoods in those jurisdictions. The bill would require any city or city and county that receives a grant under the program to consult with a community organization, as defined, in preparing the specific plan, as defined. By imposing additional duties on specified local governments, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would appropriate \$450,000 from the General Fund to the California Research Bureau of the California State Library for the implementation of the pilot program.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is distinguished as the most culturally and ethnically diverse state in the nation; yet, it is home to only a handful of remaining tangible treasures that reflect the history and traditions of our ethnic communities and towns. The history of those treasures is characterized by adversity, profound commitment, hard work, community initiative, triumphs, indomitable spirits, and hope for the future together with all-too-frequent destruction of their treasured places.

(b) Saving our ethnic communities is critical to our state and our nation. Not only are they sites of buildings, businesses and landmarks of historic and cultural significance, they are vital hubs that draw millions of people from all over the world who relate to and learn from their culture, history, food, and other elements of their heritage.

(c) Many of the few remaining communities are in critical danger of being lost to urban decay, neglected earthquake damage, encroaching economic forces and demographic shifts.

(d) For example, prior to World War II, more than 40 historical

and geographic Japanese-American communities flourished throughout the United States. Sadly, today only three remain, all in California: San Francisco, San Jose, and Los Angeles.

(e) Each of these existing Japantowns, as well as several other communities reflecting different ethnic heritages, has already embarked on a community preservation and economic development planning process using existing resources. However, the complex dynamics of preserving historic structures, while simultaneously working to revitalize the surrounding area, require comprehensive, culturally sensitive and collaborative approaches that are currently beyond the scope and funding resources of existing state programs, local government agencies, and community-based programs.

(f) Those communities are often impeded in their efforts to seek additional resources because they are not necessarily a discreet, physically or geographically contained monument to a community's ethnic heritage, but rather are a diverse, unconnected assemblage of physical structures linked together by ethnic, cultural and historic bonds.

(g) The three remaining Japantowns in California face the immediate challenge of integrating development and urban renewal proposals that are not consistent with the cultural character of Japantown neighborhoods. While economic development within Japantown neighborhoods and communities is both welcomed and encouraged, that development should be guided by a comprehensive vision of the future with a commitment to the history and cultural character of the neighborhoods and communities. It is the intent of the Legislature in enacting Chapter 1.73 (commencing with Section 5097.7) of Division 5 of the Public Resources Code to assist cities and counties in developing plans, or in implementing existing plans, for the preservation of Japantowns within their jurisdictions.

SEC. 2. Chapter 1.73 (commencing with Section 5097.7) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.73. CALIFORNIA JAPANTOWN PRESERVATION PILOT PROJECT

5097.7. (a) To implement the purposes of this chapter, the State Librarian shall provide a one-time grant in equal amounts to each of the following recipients:

- (1) The City of Los Angeles.
- (2) The City and County of San Francisco.
- (3) The City of San Jose.

(b) Any city or city and county that receives a grant pursuant to this chapter shall utilize that grant money to aid in the preparation, adoption, or implementation of specific plans, in a manner that promotes the preservation of the existing Japantown neighborhoods in that jurisdiction. In addition to any public participation required under the current law, the city or city and county shall work, in consultation with a community organization designated by the legislative body of the city or city and county to develop a plan that is consistent with this section, or to implement an existing plan. A city or city and county that receives a grant pursuant to this chapter may utilize that grant money to aid in the implementation of an existing plan that promotes the preservation of a Japantown within its jurisdiction if that plan meets both of the following requirements:

(1) Was prepared with involvement from the Japantown stakeholders.

(2) Has been adopted by the city's or city and county's legislative body as consistent with its general plan.

(c) As used in this section, "specific plan" means a plan that is adopted by the legislative body of the city or city and county that meets the requirements of Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of Title 7 of the Government Code, or the corresponding provisions of any applicable municipal ordinance, rule, or regulation. Alternatively, any city or city and county that has adopted both a business district plan and a redevelopment plan that focuses exclusively on the revitalization of the Japantown area may, by resolution of its legislative body, designate those existing plans as its specific plan for the purposes of this chapter.

(d) As used in this section, "community organization" means any organization that is either of the following:

(1) A task force appointed by the legislative body of the city or city and county made up of representatives from the various groups of interested parties listed in paragraph (2).

(2) An organization that is registered with the Secretary of State as a California corporation whose objectives include the planning, preservation, and development of a Japantown in a city or city and county identified in subdivision (a), and whose board of directors includes, but is not limited to, all of the following:

(A) Residents of the area identified as Japantown in the city or city and county receiving the grant.

(B) Business owners whose businesses are located in the area identified as Japantown in the city or city and county receiving the grant.

(C) Owners of property located in the area identified as Japantown in the city or city and county receiving the grant.

(D) Representatives of nonprofit organizations that serve the area identified as Japantown, or any other interested party from the city or city and county receiving the grant.

(e) During the preparation and adoption process of a specific plan described in this section, a city or city and county that receives a grant pursuant to this chapter shall, in consultation with an organization as defined in subdivision (d), review any proposed development within the area identified as Japantown and shall not approve the development unless the city or city and county makes findings and issues a written determination that the proposed development will not be inconsistent with, nor detrimental to, the proposed specific plan. The proposed development in the Japantown area shall be evaluated through the review process for all of the following:

(1) Its impact on the cultural and historical character of Japantown.

(2) Its impact on the current infrastructure of Japantown.

(3) Its ability to enhance the overall vitality of Japantown and address Japantown community's needs.

5097.71. (a) By December 30, 2004, the State Librarian shall provide a report to the Legislature regarding the accomplishments of the grant program established pursuant to this chapter.

(b) The report described in subdivision (a) may be utilized as a model for the creation of a permanent program within the Department

of Parks and Recreation for the purpose of preserving and protecting other historic ethnic and culturally significant neighborhoods and communities.

5097.72. This chapter shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 4. The sum of four hundred fifty thousand dollars (\$450,000) is hereby appropriated from the General Fund to the California Research Bureau of the California State Library, for allocation to the State Librarian, to be distributed as grants in equal amounts in accordance with Chapter 1.73 (commencing with Section 5097.7) of Division 5 of the Public Resources Code. Up to 5 percent of the funds appropriated may be used by the State Librarian for the administrative costs to implement that chapter and to prepare a report as described in Section 5097.71 of the Public Resources Code.