

AMENDED IN SENATE AUGUST 27, 2008

AMENDED IN SENATE AUGUST 22, 2008

AMENDED IN SENATE AUGUST 18, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN ASSEMBLY MAY 15, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 14, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 3005

Introduced by Assembly Member Jones

February 22, 2008

An act to amend Section 65460.1 of, and to add, repeal, and add Section 66005.1 of, the Government Code, relating to community development.

LEGISLATIVE COUNSEL'S DIGEST

AB 3005, as amended, Jones. Community development: mitigation fees.

(1) The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined. Existing law provides that when a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined, or development project, those fees or exactions shall not exceed

the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

This bill would require a local agency, when imposing as a condition of approval of a development project an impact fee for mitigating vehicular traffic impacts of a housing development that satisfies certain characteristics, to set the fee, or the portion thereof relating to vehicular traffic impacts, at a rate that reflects a lower rate of automobile trip generation. The bill would, until January 1, 2011, exempt from this requirement a housing development in an area having a capital improvement plan for which traffic mitigation fees are collected. The bill would authorize a local agency to charge an impact fee in proportion to the estimated rate of automobile trip generation associated with a housing development if the housing development does not satisfy the specified characteristics.

(2) Existing law, the Transit Village Development Planning Act of 1994, defines certain terms for its purpose.

This bill would add a definition to this act for the term “bus transfer station.”

(3) *This bill would incorporate changes made by AB 1221 that would become operative if both bills are enacted and this bill is enacted after AB 1221.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 65460.1 of the Government Code is
2 amended to read:

3 65460.1. (a) The Legislature hereby finds and declares all of
4 the following:

5 (1) Federal, state, and local governments in California are
6 investing in new and expanded transit systems in areas throughout
7 the state, including Los Angeles County, the San Francisco Bay
8 area, San Diego County, Santa Clara County, and Sacramento
9 County.

10 (2) This public investment in transit is unrivaled in the state’s
11 history and represents well over ten billion dollars
12 (\$10,000,000,000) in planned investment alone.

13 (3) Recent studies of transit ridership in California indicate that
14 persons who live within a quarter-mile radius of transit stations

1 utilize the transit system in far greater numbers than does the
2 general public living elsewhere.

3 (4) The use of transit by persons living near transit stations is
4 particularly important given the decline of transit ridership in
5 California between 1980 and 1990. Transit’s share of commute
6 trips dropped in all California metropolitan areas—greater Los
7 Angeles: 5.4 percent to 4.8 percent; San Francisco Bay area: 11.9
8 percent to 10.0 percent; San Diego: 3.7 percent to 3.6 percent;
9 Sacramento: 3.7 percent to 2.5 percent.

10 (5) Only a few transit stations in California have any
11 concentration of housing proximate to the station.

12 (6) Interest in clustering housing and commercial development
13 around transit stations, called transit villages, has gained
14 momentum in recent years.

15 (b) For purposes of this article, the following definitions shall
16 apply:

17 (1) “Bus hub” means an intersection of three or more bus routes,
18 with a minimum route headway of 10 minutes during peak hours.

19 (2) “Bus transfer station” means an arrival, departure, or transfer
20 point for the area’s intercity, ~~interregional~~, *intraregional*, or
21 interregional bus service having permanent investment in multiple
22 bus docking facilities, ticketing services, and passenger shelters.

23 (3) “District” means a transit village development district as
24 defined in Section 65460.4.

25 (4) “Peak hours” means the time between 7 a.m. to 10 a.m.,
26 inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday.

27 (5) “Transit station” means a rail or light-rail station, ferry
28 terminal, bus hub, or bus transfer station.

29 *SEC. 1.5. Section 65460.1 of the Government Code is amended*
30 *to read:*

31 65460.1. (a) The Legislature hereby finds and declares all of
32 the following:

33 (1) Federal, state, and local governments in California are
34 investing in new and expanded transit systems in areas throughout
35 the state, including Los Angeles County, the San Francisco Bay
36 area, San Diego County, Santa Clara County, and Sacramento
37 County.

38 (2) This public investment in transit is unrivaled in the state’s
39 history and represents well over ten billion dollars
40 (\$10,000,000,000) in planned investment alone.

1 (3) Recent studies of transit ridership in California indicate that
 2 persons who live within ~~a quarter-mile~~ *one-half mile* radius of
 3 transit stations utilize the transit system in far greater numbers
 4 than does the general public living elsewhere.

5 (4) The use of transit by persons living near transit stations is
 6 particularly important given the decline of transit ridership in
 7 California between 1980 and 1990. Transit’s share of commute
 8 trips dropped in all California metropolitan areas—greater Los
 9 Angeles: 5.4 percent to 4.8 percent; San Francisco Bay area: 11.9
 10 percent to 10.0 percent; San Diego: 3.7 percent to 3.6 percent;
 11 Sacramento: 3.7 percent to 2.5 percent.

12 (5) Only a few transit stations in California have any
 13 concentration of housing proximate to the station.

14 (6) Interest in clustering housing and commercial development
 15 around transit stations, called transit villages, has gained
 16 momentum in recent years.

17 (b) For purposes of this article, the following definitions shall
 18 apply:

19 (1) *“Bus transfer station” means an arrival, departure, or*
 20 *transfer point for the area’s intercity, intraregional, or*
 21 *interregional bus service having permanent investment in multiple*
 22 *bus docking facilities, ticketing services, and passenger shelters.*

23 (2) *“County” includes a city and county.*

24 ~~(1)~~

25 (3) *“Bus hub” means an intersection of three or more bus routes,*
 26 *with a minimum route headway of 10 minutes during peak hours.*

27 ~~(2)~~

28 (4) *“District” means a transit village development district as*
 29 *defined in Section 65460.4.*

30 ~~(3)~~

31 (5) *“Peak hours” means the time between 7 a.m. to 10 a.m.,*
 32 *inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday.*

33 ~~(4)~~

34 (6) *“Transit station” means a rail or light-rail station, ferry*
 35 *terminal, bus hub, or bus transfer station.*

36 SEC. 2. Section 66005.1 is added to the Government Code, to
 37 read:

38 66005.1. (a) (1) When a local agency imposes a fee on a
 39 housing development pursuant to Section 66001 for the purpose
 40 of mitigating vehicular traffic impacts, if that housing development

1 satisfies all of the following characteristics, the fee, or the portion
2 thereof relating to vehicular traffic impacts, shall be set at a rate
3 that reflects a lower rate of automobile trip generation associated
4 with such housing developments in comparison with housing
5 developments without these characteristics, unless the local agency
6 adopts findings after a public hearing establishing that the housing
7 development, even with these characteristics, would not generate
8 fewer automobile trips than a housing development without those
9 characteristics:

10 (A) The housing development is located within one-half mile
11 of a transit station and there is direct access between the housing
12 development and the transit station along a barrier-free walkable
13 pathway not exceeding one-half mile in length.

14 (B) Convenience retail uses, including a store that sells food,
15 are located within one-half mile of the housing development.

16 (C) The housing development provides either the minimum
17 number of parking spaces required by the local ordinance, or no
18 more than one onsite parking space for zero to two bedroom units,
19 and two onsite parking spaces for three or more bedroom units,
20 whichever is less.

21 (2) The provisions of paragraph (1) shall not apply to a housing
22 development that satisfies the characteristics in subparagraphs (A)
23 to (C), inclusive, of paragraph (1) that is located within an area
24 covered by a capital improvement plan for traffic facilities that
25 was adopted on or before January 1, 2009, and for which fees are
26 collected to mitigate the impacts of traffic.

27 (b) If a housing development does not satisfy the characteristics
28 in subdivision (a), the local agency may charge a fee that is
29 proportional to the estimated rate of automobile trip generation
30 associated with the housing development.

31 (c) As used in this section, “housing development” means a
32 development project with common ownership and financing
33 consisting of residential use or mixed use where not less than 50
34 percent of the floorspace is for residential use.

35 (d) For the purposes of this section, “transit station” has the
36 meaning set forth in paragraph (4) of subdivision (b) of Section
37 65460.1. “Transit station” includes planned transit stations
38 otherwise meeting this definition whose construction is
39 programmed to be completed prior to the scheduled completion
40 and occupancy of the housing development.

1 (e) This section shall remain in effect only until January 1, 2011,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2011, deletes or extends that date.

4 SEC. 3. Section 66005.1 is added to the Government Code, to
5 read:

6 66005.1. (a) When a local agency imposes a fee on a housing
7 development pursuant to Section 66001 for the purpose of
8 mitigating vehicular traffic impacts, if that housing development
9 satisfies all of the following characteristics, the fee, or the portion
10 thereof relating to vehicular traffic impacts, shall be set at a rate
11 that reflects a lower rate of automobile trip generation associated
12 with such housing developments in comparison with housing
13 developments without these characteristics, unless the local agency
14 adopts findings after a public hearing establishing that the housing
15 development, even with these characteristics, would not generate
16 fewer automobile trips than a housing development without those
17 characteristics:

18 (1) The housing development is located within one-half mile
19 of a transit station and there is direct access between the housing
20 development and the transit station along a barrier-free walkable
21 pathway not exceeding one-half mile in length.

22 (2) Convenience retail uses, including a store that sells food,
23 are located within one-half mile of the housing development.

24 (3) The housing development provides either the minimum
25 number of parking spaces required by the local ordinance, or no
26 more than one onsite parking space for zero to two bedroom units,
27 and two onsite parking spaces for three or more bedroom units,
28 whichever is less.

29 (b) If a housing development does not satisfy the characteristics
30 in subdivision (a), the local agency may charge a fee that is
31 proportional to the estimated rate of automobile trip generation
32 associated with the housing development.

33 (c) As used in this section, “housing development” means a
34 development project with common ownership and financing
35 consisting of residential use or mixed use where not less than 50
36 percent of the floorspace is for residential use.

37 (d) For the purposes of this section, “transit station” has the
38 meaning set forth in paragraph (4) of subdivision (b) of Section
39 65460.1. “Transit station” includes planned transit stations
40 otherwise meeting this definition whose construction is

1 programmed to be completed prior to the scheduled completion
2 and occupancy of the housing development.

3 (e) This section shall become operative on January 1, 2011.

4 *SEC. 4. Section 1.5 of this bill incorporates amendments to*
5 *Section 65460.1 of the Government Code proposed by both this*
6 *bill and AB 1221. It shall only become operative if (1) both bills*
7 *are enacted and become effective on or before January 1, 2009,*
8 *(2) each bill amends Section 65460.1 of the Government Code,*
9 *and (3) this bill is enacted after AB 1221, in which case Section 1*
10 *of this bill shall not become operative.*