

Introduced by Senator LowenthalFebruary 27, 2009

An act to amend Section 65088.4 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as introduced, Lowenthal. Traffic congestion: infill housing.

Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area, as defined. The program is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The required elements include traffic level of service standards for a system of designated highways and roadways.

Existing law defines an infill opportunity zone for purposes of the above-described provisions to mean a specific area designated by a city or county zoned for new compact residential or mixed use development, except as specified, within $\frac{1}{3}$ mile of specified transportation sites in counties with a population of over 400,000. Under existing law streets and highways in an infill opportunity zone are exempt from the level of service standards specified in the above-described provisions and instead the city or county is required to include them an alternate level of service standards or take other actions, as specified. Existing law provides that a city or county may not designate an infill opportunity zone after December 31, 2009.

This bill would eliminate the deadline for designating an infill opportunity zone.

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 65088.4 of the Government Code is
2 amended to read:

3 65088.4. (a) It is the intent of the Legislature to balance the
4 need for level of service standards for traffic with the need to build
5 infill housing and mixed use commercial developments within
6 walking distance of mass transit facilities, downtowns, and town
7 centers and to provide greater flexibility to local governments to
8 balance these sometimes competing needs.

9 (b) Notwithstanding any other provision of law, level of service
10 standards described in Section 65089 shall not apply to the streets
11 and highways within an infill opportunity zone. The city or county
12 shall do either of the following:

13 (1) Include these streets and highways under an alternative
14 areawide level of service standard or multimodal composite or
15 personal level of service standard that takes into account both of
16 the following:

17 (A) The broader benefits of regional traffic congestion reduction
18 by siting new residential development within walking distance of,
19 and no more than one-third mile from, mass transit stations, shops,
20 and services, in a manner that reduces the need for long vehicle
21 commutes and improves the jobs-housing balance.

22 (B) Increased use of alternative transportation modes, such as
23 mass transit, bicycling, and walking.

24 (2) Approve a list of flexible level of service mitigation options
25 that includes roadway expansion and investments in alternate
26 modes of transportation that may include, but are not limited to,
27 transit infrastructure, pedestrian infrastructure, and ridesharing,
28 vanpool, or shuttle programs.

29 (c) The city or county may designate an infill opportunity zone
30 by adopting a resolution after determining that the infill opportunity
31 zone is consistent with the general plan and any applicable specific
32 plan. ~~A city or county may not designate an infill opportunity zone
33 after December 31, 2009.~~

34 (d) The city or county in which the infill opportunity zone is
35 located shall ensure that a development project shall be completed
36 within the infill opportunity zone not more than four years after
37 the date on which the city or county adopted its resolution pursuant
38 to subdivision (c). If no development project is completed within

1 an infill opportunity zone by the time limit imposed by this
2 subdivision, the infill opportunity zone shall automatically
3 terminate.

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