

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ESTABLISHING INFILL OPPORTUNITY ZONES FOR CONGESTION MANAGEMENT PLANNING IN THE CITY OF SAN JOSE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65088.4

WHEREAS, California Government Code Section 65089, last amended on January 1, 2003, requires the Santa Clara Valley Transportation Authority (“VTA”) to adopt a Congestion Management Program which includes Level of Service (“LOS”) standards established for a system of highways and roadways designated by the VTA within Santa Clara County; and

WHEREAS, pursuant to California Government Code Section 65089, in no case shall the LOS standards established be below the LOS E or the current level, whichever is farthest from LOS A except when the area is in an “infill opportunity zone” (sometimes referred herein as “IOZ”), and when the LOS on a segment or at an intersection fails to attain the established LOS standard outside an infill opportunity zone, a deficiency plan shall be adopted pursuant to California Government Code Section 65089.4; and

WHEREAS, VTA, as the Congestion Management Agency for Santa Clara County, adopted a Congestion Management Program for Santa Clara County pursuant to California Government Code Section 65089 and VTA last updated its Congestion Management Program for Santa Clara County in 2015; and

WHEREAS, there are approximately 145 intersections located in the City of San José included in the Congestion Management Program for Santa Clara County; and

WHEREAS, State Senate Bill 743 (“SB 743”), effective on January 1, 2014, amended California Government Code Section 65088.4 to balance the need for LOS standards for

traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs; and

WHEREAS, California Government Code Section 65088.4 authorizes a city to designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan, and is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization; and

WHEREAS, California Government Code Section 65088.1 defines “infill opportunity zone” (“IOZ”) as a “specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.” A major transit stop is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours; and

WHEREAS, pursuant to California Government Code Section 65088.4, notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone; and

WHEREAS, SB 743 also directs the California Office of Planning and Research to produce new guidance for cities that removes automobile LOS from transportation analysis under the California Environmental Quality Act (“CEQA”) and replaces it with Vehicles Miles Travelled (VMT), or another measure that “promote[s] the reduction of greenhouse gas (“GHG”) emissions, the development of multimodal transportation

networks, and a diversity of land uses.” The intent of this change is to shift the focus of transportation analysis from driver delay to the reduction of GHG emissions, creation of multimodal networks, and promotion of integrated land uses; and

WHEREAS, the City of San José (“City”) seeks to reform the City’s approach to analyzing transportation impacts pursuant to the California Environmental Quality Act (“CEQA”) to better support local land use and transportation policies by measuring VMT rather than by LOS; and

WHEREAS, pursuant to Public Resources Code Section 21080(b)(1), the proposed adoption of the related General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA; and

WHEREAS, the adoption of an IOZ in the City would provide strong support for the City’s efforts to replace LOS with VMT for CEQA transportation impact purposes and more align with the Envision San José 2040 General Plan (“General Plan”); and

WHEREAS, the adoption of an IOZ in the City would allow VTA, as the Congestion Management Agency for Santa Clara County, to better support the City’s land use planning efforts, compact land use pattern, and multimodal transportation system through Congestion Management Program practices; and

WHEREAS, the proposed IOZ designation is consistent with the General Plan because: (1) it will further the goal to “Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City’s share of travel by alternative transportation modes,” articulated in the City’s General Plan transportation

element; (2) directly support Major Strategies of the General Plan including, but not limited to, #3 Focused Growth, #5 Urban Villages, #6 Streetscapes for People, #7 Measurable Sustainability/Environmental Stewardship, and #9 Destination Downtown; and (3) it will complement City efforts to promote infill housing and mixed-use commercial developments in proximity to multimodal transportation infrastructure; and

WHEREAS, the City Council finds that intersection identified in Exhibit “A,” entitled “Congestion Management Program IOZ Intersections in San José,” which is attached hereto and made a part hereof by this reference as if fully set forth herein, met the requirement under California Government Code Section 65088.4 to designate by resolution as an IOZ; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Resolution and has considered the environmental clearance described above prior to taking any action on this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. That the City Council hereby incorporates all of the Recitals above.
2. That the City Council finds the Infill Opportunity Zone areas as depicted in Exhibit A to this Resolution is consistent with the General Plan, any applicable Specific Plan, and meets all the requirements set forth in California Government Code Section 65088, et seq. to be designated as an Infill Opportunity Zone.
3. That the eligible portion of the City identified in the Infill Opportunity Zone Map attached hereto as Exhibit “A” is hereby designated an Infill Opportunity Zone within the meaning of California Government Code Section 65088.4.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

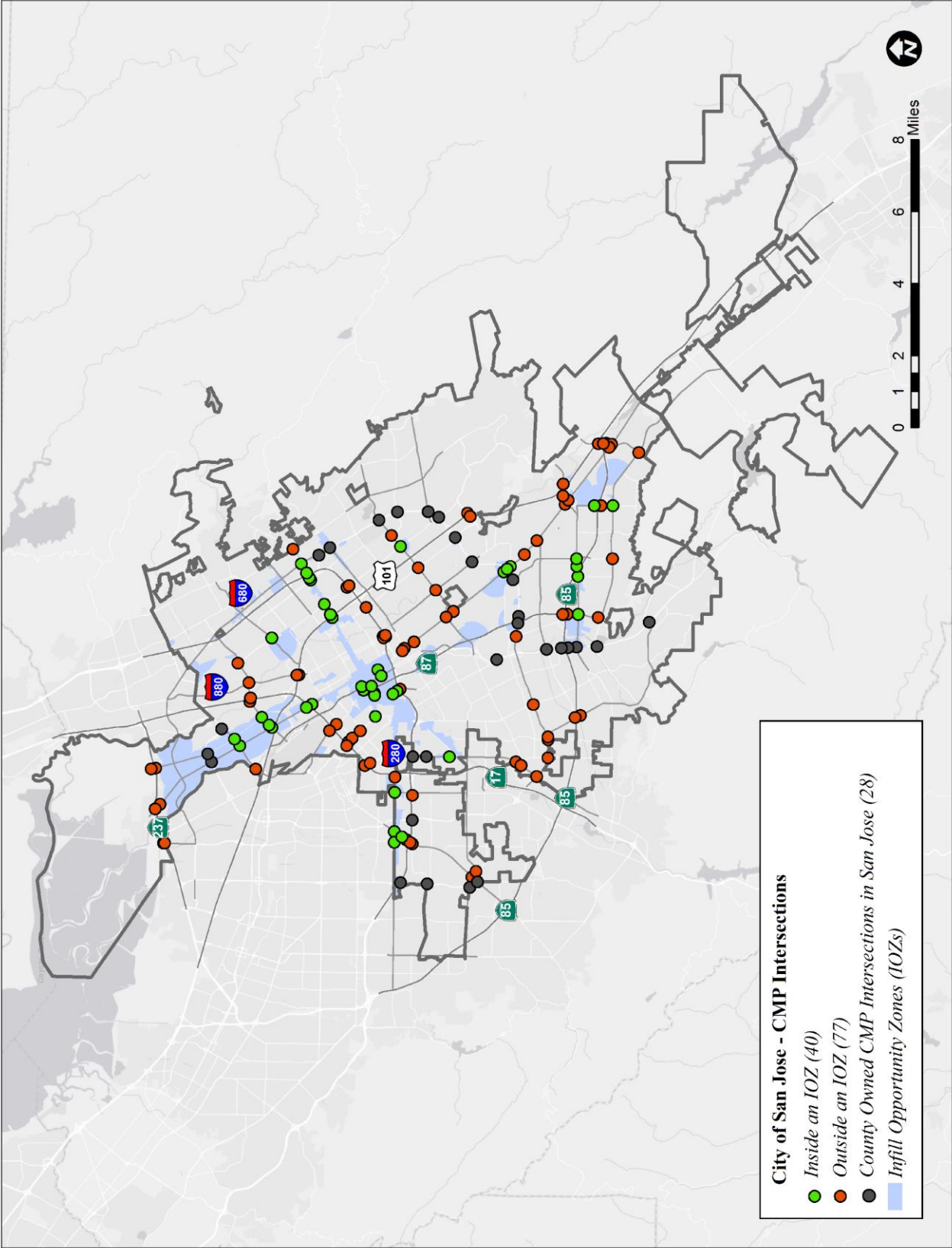
DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A
CONGESTION MANAGEMENT PROGRAM IOZ INTERSECTIONS IN SAN JOSE



List of CMP Intersections Inside an IOZ

	Intersection Location
1	BLOSSOM HILL RD & ENTRADA CEDROS/WEST VALLEY FR E
2	BLOSSOM HILL RD & WEST VALLEY FR W
3	COTTLE RD & WEST VALLEY FR N
4	GUADALUPE FR E/NOTRE DAME ST & JULIAN ST/ST JAMES ST
5	GUADALUPE FR W/PLEASANT ST & JULIAN ST
6	GUADALUPE FR & SANTA CLARA ST
7	ALUM ROCK AV & BAYSHORE FR (NB)
8	BAYSHORE FR & BROKAW RD E
9	ALUM ROCK AV & BAYSHORE FR (SB)
10	BIRD AV & SINCLAIR FR N
11	ALUM ROCK AV & SINCLAIR (NB)
12	ALUM ROCK AV & FOSS AV/SINCLAIR (SB)
13	FIRST ST & NIMITZ FR N/ROSEMARY ST
14	BURTON AV/NIMITZ FR S & FIRST ST
15	ALAMEDA & MARTIN AV/RACE ST
16	ALMADEN BL & SAN CARLOS ST
17	ALUM ROCK AV & CAPITOL AV
18	ALUM ROCK AV & JACKSON AV
19	ALUM ROCK AV & KING RD
20	AUTUMN ST & SANTA CLARA ST
21	BASCOM AV & STOKES ST
22	BERRYESSA RD & LUNDY AV
23	BIRD AV/MONTGOMERY ST & SAN CARLOS ST
24	BLOSSOM HILL RD & SANTA TERESA BL
25	BLOSSOM HILL RD & SNELL AV
26	BROKAW RD & FIRST ST
27	BROKAW RD & ZANKER RD
28	CAPITOL EX & MONTEREY RD N
29	CAPITOL EX & MONTEREY RD S
30	COTTLE RD & SANTA TERESA BL
31	FIRST ST & TRIMBLE RD
32	KIELY BL & SARATOGA AV
33	KIELY BL & STEVENS CREEK BL
34	KING RD & TULLY RD
35	MARKET ST & SAN CARLOS ST
36	MONTEREY RD & SENTER RD
37	MONTGOMERY ST & SANTA CLARA ST
38	SARATOGA AV & STEVENS CREEK BL
39	STEVENS CREEK BL & WINCHESTER BL
40	TRIMBLE RD & ZANKER RD