

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Skinner

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, and to amend Section 75125 of the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Skinner. Local planning: infill and transit-oriented development.

(1) The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development.

This bill would also prohibit a city or county from requiring a minimum parking standard greater than one parking space per 1,000

square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit intensive areas, as defined.

(2) Existing law sets forth the duties of the Strategic Growth Council, including the duty to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate agencies to encourage the development of sustainable communities, as described.

This bill would modify the description of sustainable communities to additionally include communities that incentivize infill development.

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. This article shall be known and may be cited as
2 the Infill Development and Sustainable Community Act of 2011.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) Existing parking requirements are based on low density and
6 single land uses.

7 (2) Parking is costly to build and maintain and can increase the
8 cost of infill projects by 10 to 20 percent. The high cost of land,
9 construction, and maintenance to provide parking adds significantly
10 to the cost of transit-oriented development, making sites financially
11 infeasible and hindering economic development strategies.

12 (3) Increases in public transportation options and the
13 development of more walkable and bikeable neighborhoods reduce
14 the demand for parking.

15 (4) Excessive governmental parking requirements for infill and
16 transit-oriented development reduce the viability of transit by
17 limiting the number of households or workers near transit,
18 increasing walking distances, and degrading the pedestrian
19 environment.

20 (5) Reducing excessive minimum parking requirements for infill
21 and transit-oriented development and allowing builders and the
22 market to decide how much parking is needed can do all of the
23 following:

24 (A) Ensure sufficient amounts of parking at almost all times.

25 (B) Significantly reduce the cost of development and increase
26 housing affordability.

1 (C) Increase density in areas with the most housing demand,
2 and facilitate compact development and the attainment of
3 environmental goals.

4 (b) It is the intent of the Legislature to reduce unnecessary
5 government regulation and to reduce the cost of development by
6 eliminating excessive minimum parking requirements for infill
7 and transit-oriented development.

8 SEC. 3. Article 2 (commencing with Section 65200) is added
9 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
10 read:

11
12 Article 2. Infill Development and Sustainable Community Act
13 of 2011
14

15 65200. (a) A city, county, or city and county, including a
16 charter city, shall not require a minimum parking standard greater
17 than one parking space per thousand square feet of nonresidential
18 improvements and one parking space per unit of residential
19 improvements for any new development project, including changes
20 of use that incorporate existing building improvements in transit
21 intensive areas.

22 ~~(b) This section shall not apply unless the proposed project and~~
23 ~~immediately adjoining properties are designated for development~~
24 ~~or redevelopment at a floor area ratio of 0.75 or above.~~

25 *(b) This section shall only apply if the proposed project and*
26 *immediately adjoining properties are not restricted to development*
27 *or redevelopment at a floor area ratio of below 0.75.*

28 ~~(e) For the purposes of this section, “transit intensive area”~~
29 ~~means an area as defined by paragraph (3) of subdivision (b) of~~
30 ~~Section 21155 of the Public Resources Code.~~

31 *(c) For purposes of this section, “transit intensive area” means*
32 *an area that is within one-half mile of a major transit stop or*
33 *high-quality transit corridor included in a regional transportation*
34 *plan. A major transit stop is as defined in Section 21064.3 of the*
35 *Public Resources Code, except that, for purposes of this section,*
36 *it also includes major transit stops that are included in the*
37 *applicable regional transportation plan. For purposes of this*
38 *section, a high-quality transit corridor means a corridor with fixed*
39 *route bus service with service intervals no longer than 15 minutes*
40 *during peak commute hours. A project shall be considered to be*

1 *within one-half mile of a major transit stop or high-quality transit*
2 *corridor if all parcels within the project have no more than 25*
3 *percent of their area farther than one-half mile from the stop or*
4 *corridor and if not more than 10 percent of the residential units*
5 *or 100 units, whichever is less, in the project are farther than*
6 *one-half mile from the stop or corridor.*

7 (d) A city, county, or city and county, including a charter city,
8 may require higher minimum parking standards for new
9 development other than those established pursuant to subdivision
10 (a) if it makes written findings based upon substantial evidence in
11 the record, including a parking utilization study completed within
12 the last 24 months, that shows existing publicly available parking
13 that includes all publicly owned on-street and off-street spaces and
14 privately owned off-street spaces accessible to the general public,
15 within one-quarter of a mile of the project site, but excluding any
16 spaces on exclusively residential streets, have a peak occupancy
17 that exceeds 85 percent at any point during the study period.

18 SEC. 4. Section 75125 of the Public Resources Code is
19 amended to read:

20 75125. The council shall do all of the following:

21 (a) Identify and review activities and funding programs of
22 member state agencies that may be coordinated to improve air and
23 water quality, improve natural resource protection, increase the
24 availability of affordable housing, improve transportation, meet
25 the goals of the California Global Warming Solutions Act of 2006
26 (Division 25.5 (commencing with Section 38500) of the Health
27 and Safety Code), encourage sustainable land use planning, and
28 revitalize urban and community centers in a sustainable manner.
29 At a minimum, the council shall review and comment on the
30 five-year infrastructure plan developed pursuant to Article 2
31 (commencing with Section 13100) of Chapter 2 of Part 3 of
32 Division 3 of the Government Code and the State Environmental
33 Goals and Policy Report developed pursuant to Section 65041 of
34 the Government Code.

35 (b) Recommend policies and investment strategies and priorities
36 to the Governor, the Legislature, and to appropriate state agencies
37 to encourage the development of sustainable communities, such
38 as those communities that promote equity, strengthen the economy,
39 protect the environment, incentivize infill development, and

1 promote public health and safety, consistent with subdivisions (a)
2 and (c) of Section 75065.

3 (c) Provide, fund, and distribute data and information to local
4 governments and regional agencies that will assist in developing
5 and planning sustainable communities.

6 (d) Manage and award grants and loans to support the planning
7 and development of sustainable communities, pursuant to Sections
8 75127, 75128, and 75129. To implement this subdivision, the
9 council may do all of the following:

10 (1) Develop guidelines for awarding financial assistance,
11 including criteria for eligibility and additional consideration.

12 (2) Develop criteria for determining the amount of financial
13 assistance to be awarded. The council shall award a revolving loan
14 to an applicant for a planning project, unless the council determines
15 that the applicant lacks the fiscal capacity to carry out the project
16 without a grant. The council may establish criteria that would allow
17 the applicant to illustrate an ongoing commitment of financial
18 resources to ensure the completion of the proposed plan or project.

19 (3) Provide for payments of interest on loans made pursuant to
20 this article. The rate of interest shall not exceed the rate earned by
21 the Pooled Money Investment Board.

22 (4) Provide for the time period for repaying a loan made
23 pursuant to this article.

24 (5) Provide for the recovery of funds from an applicant that fails
25 to complete the project for which financial assistance was awarded.
26 The council shall direct the Controller to recover funds by any
27 available means.

28 (6) Provide technical assistance for application preparation.

29 (7) Designate a state agency or department to administer
30 technical and financial assistance programs for the disbursing of
31 grants and loans to support the planning and development of
32 sustainable communities, pursuant to Sections 75127, 75128, and
33 75129.

34 (e) No later than July 1, 2010, and every year thereafter, provide
35 a report to the Legislature that shall include, but is not limited to,
36 all of the following:

37 (1) A list of applicants for financial assistance.

38 (2) Identification of which applications were approved.

39 (3) The amounts awarded for each approved application.

40 (4) The remaining balance of available funds.

- 1 (5) A report on the proposed or ongoing management of each
- 2 funded project.
- 3 (6) Any additional minimum requirements and priorities for a
- 4 project or plan proposed in a grant or loan application developed
- 5 and adopted by the council pursuant to subdivision (c) of Section
- 6 75126.