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

LEGISLATIVE COUNSEL’S DIGEST

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

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 express a legislative finding and declaration that its provisions shall apply to all cities, including charter cities.

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. This bill would provide that its provisions would not apply if certain requirements are met.


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

SECTION 1. This act shall be known and may be cited as the Infill Development and Sustainable Community Act of 2011.

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

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

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

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

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

(5) Reducing excessive minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed can do all of the following:
(A) Ensure sufficient amounts of parking at almost all times.

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

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

(b) It is 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.

(c) The Legislature further declares that the need to address infill development and excessive parking requirements is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

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

Article 2. Infill Development and Sustainable Community Act of 2011

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

(b) This section shall not apply if any of the following are met:

(1) The proposed project and immediately adjoining properties are restricted to development or redevelopment at a floor area ratio of below 0.75.

(2) The proposed project is located on a parcel or parcels on which dwelling units whose rents are restricted by recorded covenant or ordinance to levels affordable to persons and families of low or moderate income will be destroyed or removed, unless within the proposed project an equal number of bedrooms are to be made available at affordable housing costs to, and occupied by, persons and families in the same or lower income category.
(extremely low, very low, or low) in the same proportion as the
units occupied or last occupied by extremely low, very low, or
low-income households in the property. Rental replacement units
shall be made available at affordable housing costs for at least 55
years, or at the remaining term of the existing recorded covenants
or deed restrictions that require maintenance of affordable housing
costs, that are consistent with the parties meeting their contractual
obligations. Ownership replacement units shall be made available
at affordable housing costs for at least 45 years.

(3) The proposed project is located in whole or in part on a
parcel where the owner withdrew residential rental units pursuant
to Chapter 12.75 (commencing with Section 7060) of Division 7
of Title 1, from rental or lease, or offering for rental or lease
pursuant to paragraph (2) of subdivision (a) of Section 7060.2.

(4) The property is within an area covered by a specific plan
and both of the following apply:
(A) The specific plan was adopted pursuant to Article 8
(commencing with Section 65450) on or before December 31,
2011.
(B) The specific plan sets off-street vehicle parking requirements
for commercial and residential uses that are lower than any
off-street vehicle parking requirements for commercial and
residential uses that apply in the same jurisdiction outside of a
transit intensive area.

(c) For purposes of this section, “transit intensive area” means
an area that is within one-half mile of a major transit stop or within
one-quarter mile of the center line of a 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. A project
shall be considered to be within one-half mile of a major transit
stop or within one-quarter mile of the center line of a high-quality
transit corridor if all parcels within the project have no more than
25 percent of their area farther than one-half mile from the stop
or within one-quarter mile of the center line of a corridor and if not
more than 10 percent of the residential units or 100 units,
whichever is less, in the project are farther than one-half mile from
the stop or within one-quarter mile of the center line of a corridor.
(d) A city, county, or city and county, including a charter city,
may require higher minimum parking standards for new
development other than those established pursuant to subdivision
(a) if it makes written findings based upon substantial evidence in
the record, including a parking utilization study completed within
the last 24 months, that shows existing publicly available parking
that includes all publicly owned on-street and off-street spaces and
privately owned off-street spaces accessible to the general public,
within one-quarter of a mile of the project site, but excluding any
spaces on exclusively residential streets, have a peak occupancy
that exceeds 85 percent at any point during the study period.