

AMENDED IN SENATE AUGUST 18, 2011

AMENDED IN SENATE JULY 12, 2011

AMENDED IN SENATE JUNE 29, 2011

AMENDED IN ASSEMBLY MAY 31, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 710**

**Introduced by Assembly Member Skinner**

February 17, 2011

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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.

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. This act shall be known and may be cited as the
- 2 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:

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

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

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

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

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

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

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20 Article 2. Infill Development and Sustainable Community Act  
21 of 2011

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23 65200. (a) In transit intensive areas, a city, county, or city and  
24 county, including a charter city, shall not require a minimum  
25 parking standard greater than one parking space per thousand  
26 square feet of nonresidential improvements and one parking space  
27 per unit of residential improvements for any new development  
28 project, including changes of use that incorporate existing building  
29 improvements.

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

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

34 (2) The proposed project is located on a parcel or parcels on  
35 which dwelling units whose rents are restricted by recorded  
36 covenant or ordinance to levels affordable to persons and families  
37 of low or moderate income will be destroyed or removed, unless  
38 within the proposed project an equal number of bedrooms are to  
39 be made available at affordable housing costs to, and occupied by,  
40 persons and families in the same or lower income category

1 (extremely low, very low, or low) in the same proportion as the  
2 units occupied or last occupied by extremely low, very low, or  
3 low-income households in the property. Rental replacement units  
4 shall be made available at affordable housing costs for at least 55  
5 years, or at the remaining term of the existing recorded covenants  
6 or deed restrictions that require maintenance of affordable housing  
7 costs, that are consistent with the parties meeting their contractual  
8 obligations. Ownership replacement units shall be made available  
9 at affordable housing costs for at least 45 years.

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

15 (4) *The property is within an area covered by a specific plan  
16 and both of the following apply:*

17 (A) *The specific plan was adopted pursuant to Article 8  
18 (commencing with Section 65450) on or before December 31,  
19 2011.*

20 (B) *The specific plan sets off-street vehicle parking requirements  
21 for commercial and residential uses that are lower than any  
22 off-street vehicle parking requirements for commercial and  
23 residential uses that apply in the same jurisdiction outside of a  
24 transit intensive area.*

25 (c) For purposes of this section, “transit intensive area” means  
26 an area that is within one-half mile of a major transit stop or within  
27 one-quarter mile of the center line of a high-quality transit corridor  
28 included in a regional transportation plan. A major transit stop is  
29 as defined in Section 21064.3 of the Public Resources Code, except  
30 that, for purposes of this section, it also includes major transit stops  
31 that are included in the applicable regional transportation plan.  
32 For purposes of this section, a high-quality transit corridor means  
33 a corridor with fixed route bus service with service intervals no  
34 longer than 15 minutes during peak commute hours. A project  
35 shall be considered to be within one-half mile of a major transit  
36 stop or within one-quarter mile of the center line of a high-quality  
37 transit corridor if all parcels within the project have no more than  
38 25 percent of their area farther than one-half mile from the stop  
39 or within one-quarter mile of the center line of a corridor and if  
40 not more than 10 percent of the residential units or 100 units,

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

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