

AMENDED IN SENATE JULY 5, 2012
AMENDED IN SENATE JUNE 27, 2012
AMENDED IN SENATE JUNE 12, 2012
AMENDED IN ASSEMBLY JANUARY 11, 2012
AMENDED IN ASSEMBLY MAY 10, 2011
AMENDED IN ASSEMBLY APRIL 14, 2011
AMENDED IN ASSEMBLY MARCH 31, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member Skinner
~~(Coauthor: Senator Berryhill)~~
(Coauthor: Assembly Member Bill Berryhill)

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, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Skinner. Local government: parking spaces: minimum requirements.

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, commencing on January 1, 2014, would prohibit a city or county from requiring a minimum number of off-street parking spaces in transit-intensive areas, as defined, greater than 2 parking spaces per 1,000 square feet in nonresidential projects of 20,000 square feet or less on a single property, one parking space per unit in non-income-restricted residential projects, and specified portions, as applicable, of a parking space per unit for certain affordable housing projects, except as specified. The bill would also make a statement of legislative findings regarding the application of its provisions to charter cities.

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 Sustainable Minimum Parking Requirements Act of 2012.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The state, cities, and counties have invested billions of dollars
- 6 in transit infrastructure. Land use policies that reduce the cost and
- 7 complexity of transit-oriented development help ensure a return
- 8 on that investment.
- 9 (2) Consistent with Senate Bill 375 and Assembly Bill 32, it is
- 10 state policy to promote transit-oriented infill development.
- 11 (3) Existing minimum off-street parking requirements
- 12 throughout the state are based on low-density and segregated single
- 13 land uses.
- 14 (4) Parking is costly to build and maintain and can substantially
- 15 increase the cost of constructing and operating infill projects.
- 16 (5) The high cost of the land and improvements required to
- 17 provide parking significantly increases the cost of transit-oriented
- 18 development, making lower cost and affordable housing
- 19 development financially infeasible and hindering economic
- 20 development strategies.
- 21 (6) Increasing public transportation options and developing
- 22 more walkable and bikeable neighborhoods reduce the demand
- 23 for parking.

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

(8) Reducing excessive minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed may do all of the following:

(A) Ensure sufficient but not excessive amounts of parking are provided.

(B) Reduce the cost of development and increase the number of transit-accessible and affordable housing units.

(C) Increase density in areas with the most housing demand, and improve the viability of developing alternate modes of transportation, such as public transit, ridesharing, biking, and walking.

(D) Reduce green house gas emissions and vehicle miles traveled by removing an incentive to drive.

(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 finds and 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. Sustainable Minimum Parking Requirements Act of
2012

65200. (a) Commencing on January 1, 2014, in transit-intensive areas, a city, county, or city and county, including a charter city, shall not require projects to provide a minimum number of off-street parking spaces greater than the following:

1 (1) Two parking spaces per thousand square feet of
2 nonresidential projects of 20,000 square feet or less on a single
3 property.

4 (2) One parking space per unit for non-income-restricted
5 residential projects.

6 (3) Three-quarters parking spaces per unit for projects that
7 include both income-restricted and non-income-restricted units,
8 and which meet the standards in subdivision (b) of Section 65915.

9 (4) One-half parking spaces per unit for units that are restricted
10 by a recorded covenant or a deed that lasts at least 55 years to rents
11 or prices affordable to persons and families making less than 60
12 percent of the area median income.

13 (b) This section shall not be construed as setting a maximum
14 number of spaces a project may provide.

15 (c) This section shall not be construed to limit any local agency's
16 authority to regulate parking impacts from development through
17 exactions, fees, conditions of approval, or other valid exercise of
18 its police power beyond the specific limitations provided in
19 subdivision (a).

20 (d) This section shall not apply to any property that meets any
21 of the following criteria:

22 (1) The property and immediately adjoining properties are
23 restricted to development or redevelopment at a floor area ratio of
24 below 0.75.

25 (2) The property includes a parcel or parcels whose dwelling
26 units are subject to a recorded covenant, ordinance, or law that
27 restricts rents to levels affordable to persons and families of low
28 or moderate income, or are subject to other forms of rent or price
29 control imposed through a public entity's valid exercise of its
30 police power, that will be destroyed or removed, unless any
31 proposed development on the property is to include an equal
32 number of bedrooms that shall be made available at affordable
33 housing costs to, and will be occupied by, persons and families in
34 the same or lower income category (extremely low, very low, or
35 low) in the same proportion as the units occupied or last occupied
36 by extremely low, very low, or low-income households in the
37 property. Rental replacement units provided pursuant to this
38 paragraph shall be made available at affordable housing costs for
39 at least 55 years, or at the remaining term of the existing recorded
40 covenants or deed restrictions that require maintenance of

1 affordable housing costs, which are consistent with the parties
2 meeting their contractual obligations. Ownership replacement units
3 provided pursuant to this paragraph shall be made available at
4 affordable housing costs for at least 45 years.

5 (3) The property includes a parcel where the owner withdrew
6 residential rental units pursuant to Chapter 12.75 (commencing
7 with Section 7060) of Division 7 of Title 1, from rental or lease,
8 or offering for rental or lease, pursuant to paragraph (2) of
9 subdivision (a) of Section 7060.2.

10 (4) The property includes a parcel or parcels subject to a specific
11 plan, station area plan, zoning ordinance, or other form of local
12 land-use control that provides for minimum off-street parking
13 requirements for residential, commercial, and mixed-use new
14 construction and reuse projects that are lower than the minimum
15 off-street parking requirements in the same jurisdiction for the
16 same uses outside the transit-intensive area.

17 (e) For purposes of this section, “transit-intensive area” means
18 an area that is within one-half mile of a major transit stop or within
19 one-quarter mile of the center line of a high-quality transit corridor.
20 ~~A major transit stop is~~ *For the purposes of this section “major*
21 *transit stop” has the same meaning as defined in Section 21064.3*
22 *of the Public Resources Code. For purposes of this section, a*
23 *high-quality transit corridor means a corridor with a fixed route*
24 *bus service with service intervals no longer than 15 minutes during*
25 *peak commute hours. A property shall be considered to be within*
26 *one-half mile of a major transit stop or within one-quarter mile of*
27 *the center line of a high-quality transit corridor if all parcels within*
28 *the property together have no more than 25 percent of their area*
29 *farther than one-half mile from the stop or within one-quarter mile*
30 *of the center line of a corridor, and if not more than 10 percent of*
31 *the residential units or 100 units, whichever is less, in any proposed*
32 *project are farther than one-half mile from the stop or within*
33 *one-quarter mile of the center line of a corridor.*

34 (f) Consistent with subdivision (g), a city, county, or city and
35 county, including a charter city, that is otherwise subject to this
36 section, shall not be required to apply the minimum off-street
37 parking requirements in subdivision (a) in a transit-intensive area
38 in place of those set forth in its zoning code if it makes at least one
39 of the following written findings, specific to that transit-intensive
40 area, based upon objective criteria and evidence in the record that:

1 (1) The transit-intensive area does not currently have or cannot
2 reasonably expect to have sufficient walkability to justify reduced
3 off-street parking requirements.

4 (2) The transit-intensive area does not currently have or cannot
5 reasonably expect to have a sufficient level of transit service or
6 bike access to provide for viable alternatives to the car for a
7 significant proportion of the trips generated by new development.

8 (3) The minimum parking requirements set forth in this act
9 would reduce the number of low-income housing units produced
10 in that transit-intensive area through density bonus programs such
11 as the program set forth in Sections 65915 to 65918, inclusive.

12 (4) The transit-intensive area in question will be adversely
13 affected by a reduction in minimum off-street parking
14 requirements.

15 (g) Any action by a city, county, or city and county, including
16 a charter city, pursuant to subdivision (f) to exempt transit-intensive
17 areas from the minimum parking requirements set forth in
18 subdivision (a) and maintain the minimum parking requirements
19 set forth in its local code shall be in the form of a resolution
20 adopted by the legislative body of a city, county, or city and county.

21 (h) Multiple transit-intensive areas may be exempted from the
22 requirements of subdivision (a) by a single resolution, provided
23 that the resolution includes at least one of the findings set forth in
24 subdivision (f) applied to each transit-intensive area to be
25 exempted.

26 (i) (1) Before January 1, 2014, a city, county, or city and county
27 may evaluate and approve projects pursuant to the minimum
28 parking requirements under this section.

29 (2) After January 1, 2014, but before the adoption of a resolution
30 pursuant to subdivision (g), development projects shall not be
31 subject to minimum off-street parking requirements higher than
32 those set forth in subdivision (a).

33 (j) This section shall not apply to any city, county, or city and
34 county that has no transit-intensive areas within its jurisdiction.