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.


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

SECTION 1. This act shall be known and may be cited as the Sustainable Minimum Parking Requirements Act of 2012.

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

(1) The state, cities, and counties have invested billions of dollars in transit infrastructure. Land use policies that reduce the cost and complexity of transit-oriented development help ensure a return on that investment.

(2) Consistent with Senate Bill 375 and Assembly Bill 32, it is state policy to promote transit-oriented infill development.

(3) Existing minimum off-street parking requirements throughout the state are based on low-density and segregated single land uses.

(4) Parking is costly to build and maintain and can substantially increase the cost of constructing and operating infill projects.

(5) The high cost of the land and improvements required to provide parking significantly increases the cost of transit-oriented development, making lower cost and affordable housing development financially infeasible and hindering economic development strategies.

(6) Increasing public transportation options and developing more walkable and bikeable neighborhoods reduce the demand 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 greenhouse 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) Two parking spaces per thousand square feet of nonresidential projects of 20,000 square feet or less on a single property.

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

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

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

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

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

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

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

(2) The property includes a parcel or parcels whose dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or moderate income, or are subject to other forms of rent or price control imposed through a public entity’s valid exercise of its police power, that will be destroyed or removed, unless any proposed development on the property is to include an equal number of bedrooms that shall be made available at affordable housing costs to, and will be 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 provided pursuant to this paragraph 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, which are consistent with the parties meeting their contractual obligations. Ownership replacement units provided pursuant to this paragraph shall be made available at affordable housing costs for at least 45 years.

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

(e) 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. A major transit stop is the same meaning as defined in Section 21064.3 of the Public Resources Code. For purposes of this section, a high-quality transit corridor means a corridor with a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A property 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 property together 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 any proposed project are farther than one-half mile from the stop or within one-quarter mile of the center line of a corridor.

(f) Consistent with subdivision (g), a city, county, or city and county, including a charter city, that is otherwise subject to this section, shall not be required to apply the minimum off-street parking requirements in subdivision (a) in a transit-intensive area in place of those set forth in its zoning code if it makes at least one of the following written findings, specific to that transit-intensive area, based upon objective criteria and evidence in the record that:
(1) The transit-intensive area does not currently have or cannot
reasonably expect to have sufficient walkability to justify reduced
off-street parking requirements.
(2) The transit-intensive area does not currently have or cannot
reasonably expect to have a sufficient level of transit service or
bike access to provide for viable alternatives to the car for a
significant proportion of the trips generated by new development.
(3) The minimum parking requirements set forth in this act
would reduce the number of low-income housing units produced
in that transit-intensive area through density bonus programs such
as the program set forth in Sections 65915 to 65918, inclusive.
(4) The transit-intensive area in question will be adversely
affected by a reduction in minimum off-street parking
requirements.
(g) Any action by a city, county, or city and county, including
a charter city, pursuant to subdivision (f) to exempt transit-intensive
areas from the minimum parking requirements set forth in
subdivision (a) and maintain the minimum parking requirements
set forth in its local code shall be in the form of a resolution
adopted by the legislative body of a city, county, or city and county.
(h) Multiple transit-intensive areas may be exempted from the
requirements of subdivision (a) by a single resolution, provided
that the resolution includes at least one of the findings set forth in
subdivision (f) applied to each transit-intensive area to be
exempted.
(i) (1) Before January 1, 2014, a city, county, or city and county
may evaluate and approve projects pursuant to the minimum
parking requirements under this section.
(2) After January 1, 2014, but before the adoption of a resolution
pursuant to subdivision (g), development projects shall not be
subject to minimum off-street parking requirements higher than
those set forth in subdivision (a).
(j) This section shall not apply to any city, county, or city and
county that has no transit-intensive areas within its jurisdiction.