

Letters from Mayors supporting Assembly Bill 904

Letters from planning academics and practitioners supporting Assembly Bill 904

Letter from California Chapter of the American Planning Association opposing Assembly Bill 904



June 25, 2012

Honorable Senator Lois Wolk
Chair, Senate Government and Finance Committee
State Capitol Room 5114
Sacramento, CA 95814

RE: SUPPORT - AB 904 – Sustainable Parking Standards Act of 2012

Dear Senator Wolk:

On behalf of the City and County of San Francisco, I would like to express our support for AB 904, the Sustainable Parking Standards Act of 2012. AB 904 creates parking standards appropriate for small lot/infill developments while allowing jurisdictions to opt out if more parking is appropriate for the specific area. This bill does NOT include parking maximums and allows cities to retain complete local control of parking requirements.

Since the passage of the landmark legislation AB 32, local and regional agencies have made a concerted effort to focus new development in existing urban areas. This push to redevelop urbanized areas will result in a more diversified housing base, a stronger urban economy, improved environmental and public health, and preservation of green fields. However, the majority of regional and local communities still use a single-use, single-family home standard for parking. This "one size fits all" approach fails to recognize the decreased parking demand of projects located in heavily-urbanized and transit-rich planning areas, and it unnecessarily burdens projects financially. The cost of parking in San Francisco is substantial, typically between \$50-\$60 thousand per parking space. By allowing developers to choose to provide some units without parking, the bill would both decrease the cost of housing and increase the amount of space within the building envelope that could be devoted to housing people instead of cars. The Sustainable Parking Standards Act of 2012 is a timely urban planning solution that will encourage construction of affordable housing, promote economic development and job growth, and reinforce California's competitiveness for federal transportation dollars.

AB 904 specifically:

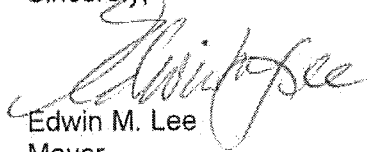
- Enables builders to **invest in the construction of dwelling units** instead of wasting limited funds on unneeded parking spaces.
- Ends the public subsidy of wasteful parking requirements and will **reduce parking requirements** for urban projects near transit, to levels proven effective in other cities.
- **Preserves a city's right** to establish parking standards suitable to their specific circumstances without costly studies.
- Cities have the **option** of reducing parking requirements around transit at **no cost** and with **no staff time**.
- Encourages building of **urban infill and transit-oriented development**.

Senator Wolk
June 25, 2012
Page Two

- Fosters use of alternative modes of transit. Walking, biking and public transit become more convenient.

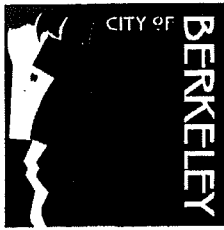
Thank you for your ongoing leadership.

Sincerely,



Edwin M. Lee
Mayor

cc: Senate Government and Finance Committee (c/o Samantha Lui)
Assembly Member Skinner (c/o Liz Mooney)



Office of the Mayor

June 27, 2012

Honorable Senator Wolk
Chair, Senate Government and Finance Committee
State Capitol Room 5114

RE: SUPPORT - AB 904 – Sustainable Parking Standards Act of 2012

Dear Senator Wolk:

On behalf of the City of Berkeley I would like to express our support for AB 904 the Sustainable Parking Standards Act of 2012. AB 904 creates parking standards appropriate for small lot/infill developments while allowing jurisdictions to opt out if more parking is appropriate for the specific area. This bill does NOT include parking maximums and allows cities to retain complete local control of parking requirements.

Since the passage of the landmark legislation AB 32, local and regional agencies have made a concerted effort to focus new development in existing urban areas. This push to redevelop urbanized areas will result in a more diversified housing base, a stronger urban economy, improved environmental and public health, and preservation of green fields. However, the majority of regional and local communities still use a single-use, single-family home standard for parking. This "one size fits all" approach fails to recognize the decreased parking demand of projects located in heavily-urbanized and transit-rich planning areas, and it unnecessarily burdens projects financially. The Sustainable Parking Standards Act of 2012 is a timely urban planning solution that will encourage construction of affordable housing, promote economic development and job growth, and reinforce California's competitiveness for federal transportation dollars.

AB 904 specifically:

- Helps **offset the loss of funding** from redevelopment agencies.
- Enables builders to **invest in the construction of dwelling units** instead of wasting limited funds on unneeded parking spaces.
- Ends the public subsidy of wasteful parking requirements and will **reduce parking requirements** for urban projects near transit, to levels proven effective in other cities.

- **Preserves a city's right** to establish parking standards suitable to their specific circumstances without costly studies.
- Cities have the **option** of reducing parking requirements around transit at **no cost** and with **no staff time**.
- Encourages building of **urban infill** and **transit-oriented development**.
- Fosters use of alternative modes of transit. Walking, biking and public transit become more convenient.

We value your ongoing leadership.

Sincerely,

A handwritten signature in black ink that reads "Tom Bates". The signature is written in a cursive, slightly stylized font.

Tom Bates
Mayor

Cc: Senate Government and Finance Committee
Assembly Member Nancy Skinner



DONALD C. SHOUP
PROFESSOR OF URBAN PLANNING
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June 18, 2012

Mr. Kevin J. Keller, AICP
President, Cal APA
City of Los Angeles
200 N. Spring Street,
Suite 667
Los Angeles, CA 90012

Dear Mr. Keller:

I was disappointed to receive an email message on June 13 from the California chapter of the APA urging planners to write letters of opposition to Assembly Bill 904, which would reform minimum parking requirements in transit-intensive districts in California. Here is the section of the message to which I object:

"APA California is interested in receiving your comments on this measure, and are [sic] also interested in how you believe the bill would specifically impact your jurisdiction or community. Please send your comments to Sande George, contact info below, within the next two weeks. In addition, if you believe that this bill would create problems for you [sic] community, we urge you to write a letter to the author, with a copy to Sande, expressing opposition."

I believe that it is unwise and unprofessional for the APA to ask for comments about AB 904, and then, before receiving any comments, urge planners to express opposition to the bill.

An earlier email message from the APA had this criticism of AB 904:

"ONE-SIZE-FITS-ALL PARKING STANDARDS OPTION PROPOSED"

Opponents of city planning commonly complain that every planning standard is a one-size-fits-all approach, and it is ironic to see the APA use this trite objection to a proposed planning standard. AB 904 is intended to reform minimum parking requirements in transit-intensive districts, and planners who set citywide minimum parking standards for every land use are in no position to object that a proposed statewide planning standard is a one-size-fits-all approach.

I strongly support Assembly Bill 904 because it will provide great benefits for cities, the economy, and the environment. AB 904's cap on minimum parking requirements in transit-intensive districts can undo much of the harm now done by excessive parking requirements in these districts. In my book, *The High Cost of Free Parking*, which was published by the American Planning Association, I wrote:

"Few people now recognize parking requirements as a disaster because the costs are hidden and the harm is diffused. This chapter will show that parking requirements cause great harm: they subsidize cars, distort transportation choices, warp urban form, increase housing costs, burden low-income households, debase urban design, damage the economy, and degrade the environment. Chapters 6 and 7 will then show that off-street parking requirements cost a lot of money, although this cost is hidden in higher prices for everything except parking itself. Off-street parking requirements thus have all the hallmarks of a great planning disaster."

"Parking requirements seem like a minor matter, but small disturbances to complex systems sometimes produce disastrous effects. Urban planners have not caused this disaster, of course, because off-street parking requirements result from complicated political and market forces. Nevertheless, planners provide a veneer of professional language that serves to justify parking requirements, and in this way planners unintentionally contribute to the disaster."

AB 904 is a restraint on off-street parking requirements in transit-intensive districts, but it is *not* a restraint on off-street parking. It will simply allow developers to rebuild in transit-intensive districts with less parking. Now that all Community Redevelopment Agencies have been abolished, AB 904 is one of the few ways available for cities to encourage redevelopment that will create jobs and increase tax revenues. AB 904 offers huge advantages for all of California, and I urge the APA to support this valuable bill.

A Precedent: The Los Angeles Adaptive Reuse Ordinance

Los Angeles has already seen the great benefits of reduced parking requirements. In 1999, Los Angeles adopted its Adaptive Reuse Ordinance (ARO) that allows the conversion of economically distressed or historically significant office buildings into new residential units—with no new parking spaces. Before 1999, the city required at least two parking spaces per condominium unit in downtown Los Angeles. The results of the ARO show that many good things can happen when a city reduces its parking requirements.

Developers used the ARO to convert historic office buildings into at least 7,300 new housing units between 1999 and 2008. All the office buildings had been vacant for at least five years, and many had been vacant much longer. By contrast, only 4,300 housing units were added in downtown between 1970 and 2000.

Skeptics doubted that banks would finance developers who wanted to convert office buildings into residential condominiums without two parking spaces each, but the skeptics were proved wrong. Developers provided, on average, only 1.3 spaces per unit, with 0.9 spaces on-site and 0.4 off-site in nearby lots or garages. Had the ARO not been adopted, the city would have

required at least two *on-site* spaces for every condo unit, or more than twice as many as developers did provide.

The ARO applied only to downtown when it was adopted in 1999, but the benefits were so quickly apparent that it was extended citywide in 2003. We usually can't see things that don't happen or count things that don't occur, but the beautifully restored buildings in downtown Los Angeles give us some idea of what minimum parking requirements had been preventing. AB 904 will produce some of these same benefits in transit-intensive districts throughout the city.

AB 904 Will Make Housing More Affordable

Affordable housing developers often ask me to support reductions in the minimum parking requirements for their projects. They tell me that minimum parking requirements are a huge barrier to building affordable housing. The required parking spaces are so expensive that they consume the entire subsidy for affordable housing projects, so that a subsidy intended for affordable housing becomes instead a subsidy for affordable parking.

AB 904 is not, of course, primarily intended to increase the supply of affordable housing. It is primarily intended to increase the opportunities for infill development in transit-intensive areas. This infill development will have many benefits for cities, transportation, the economy, and the environment. The benefits for affordable housing units are a valuable additional effect of AB 904.

Parking requirements increase *all* housing prices by restricting the supply of housing. Parking requirements often reduce the number of dwelling units on a site below what the zoning allows because both the allowed number of dwelling units *and* the required parking spaces cannot be squeezed onto the same site. My book presents several studies of how minimum parking requirements increase the cost of housing and reduce density. In Oakland, for example, one study found that a parking requirement of only one space per dwelling unit increased the cost of the apartments by 18 percent and reduced housing density by 30 percent. Another study of a single-room apartment building in Palo Alto found that the city's minimum parking requirements increased the cost of the apartments by 38 percent.

Because all new dwelling units (and all other new buildings) come bundled with their full complement of required parking, each dwelling unit produces a large number of vehicle trips. As a result, planners must restrict the allowed density of dwelling units and of all other development to restrict the amount of traffic they generate. By keeping down development density, parking requirements restrict the ability of land to provide housing units, and this supply restriction increases housing prices.

If parking requirements substantially raise all housing prices, building a small number of subsidized housing units—including all the required parking—will have only a small effect in providing affordable housing. AB 904, however, can increase the supply and reduce the price of *all* housing, without any subsidy.

A Parking Disarmament Policy

Planning for parking is almost entirely a municipal responsibility. As a result, parking policy is parochial. Because sales taxes are an important source of local revenue in California, planners are under terrific pressure to do “whatever it takes” to attract retail sales. This competition for retail tax base puts cities in a race to offer plenty of free parking for all potential customers. This race is a zero-sum game for the region because more parking everywhere cannot increase the total regional sales volume. AB 904 will allow cities not to compete with each other by trying to require more parking than everyone else. Developers in transit-intensive districts may be willing to provide less parking if they know that all other developers will do likewise; they will save money on construction costs, and also reduce the traffic generated by their projects.

Academic Research on Minimum Parking Requirements

The American Planning Association published a paperback edition of *The High Cost of Free Parking* last year, and in the new preface I wrote:

“Academic research has repeatedly shown that minimum parking requirements inflict widespread damage on cities, the economy, and the environment. But this research has had little influence on planning practice. Most city planners continue to set minimum parking requirements as though nothing had happened. The profession’s commitment to minimum parking requirements seems to be a classic example of *groupthink*, which Yale professor of psychology Irving Janis defined as “a mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members’ striving for unanimity overrides their motivation to realistically appraise alternative courses of action.” The process of setting minimum parking requirements displays most of the symptoms of defective decision making that Janis identified with groupthink: incomplete survey of alternatives; incomplete survey of objectives; failure to examine risks of preferred choice; poor information search; and selective bias in processing information at hand. Unfortunately, academic research on parking has had little effect on practitioners’ group thinking, even though the research shows that a central part of the practice does so much harm.”


Professor Richard Willson, FAICP, of California Polytechnic University, Pomona, has also studied the effects of minimum parking requirements, and found that practicing planners did little or no research when setting these requirements. Willson surveyed planning directors and senior planners, and asked “What sources of information do you normally use to set minimum parking requirements for workplaces?” Forty-five percent of the respondents ranked “Survey nearby cities” as most important, and “Institute of Transportation Engineers handbooks” was in second place at 15 percent. More planners responded “Don’t know” (5 percent) than responded that they commissioned parking studies (3 percent).

A Debate before a Decision

I hope that the California Chapter of the APA will consider the extensive academic research that has been conducted in California on the effects of minimum parking requirements

before opposing AB 904. Before rushing to defend cities' right to require way too much parking in transit-intensive districts, I hope the Chapter will be open to a debate on the topic. Although Professor Willson and I have harshly criticized minimum parking requirements in our many publications, not a single urban planner has attempted to rebut these criticisms. I would be delighted to participate in any debate you are willing to sponsor before taking action on Assembly Bill 904.

Sincerely,

A handwritten signature in black ink that reads "Donald Shoup". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Donald Shoup

Fellow of the American Institute of Certified Planners
Distinguished Professor of Urban Planning, UCLA

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA

Urban and Regional Planning
College of Environmental Design

June 20, 2012

Sande George
Lobbyist, APA California
Stefan/George Associates
925 L Street, Suite 200
Sacramento, CA 95814

Re: Objection to CCAPA position against AB 904

Dear Sande,

I am writing to object to the CCAPA position against AB 904. In a perfect world, local cities would reform parking requirements to support multimodal transportation, sustainability, economic development, and social justice. In that perfect world, the California legislature would not impose parking requirements on cities. Unfortunately, we do not live in a perfect world. Excessive minimum parking requirements undermine most of the goals of local and state plans and they have pernicious effects on the production of affordable housing. Many local planners know this, but they do not have the political leeway to change them. They encounter a buzz-saw of entitled, parking-demanding constituents. In short, minimum parking requirements in transit-intensive areas cannot be entrusted to local governments. The stakes are so high that limited State preemption of local desires is appropriate. APA's website says, "Planning means housing choice. Planning means safe communities and a better commute. Planning means communities of lasting value." That's exactly what we'll get with AB 904.

The restrictions of AB 904 are hardly draconian. The rates are reasonable and there is a provision to get around them with written findings. Cities such as Portland Oregon have already eliminated minimum parking requirements in transit intensive areas. Let's be honest – the elephant in the room is narrow self-interest. In my parking research and work with cities, I see excessive parking requirements being used to block affordable housing, density, and new business ventures. Who is "the community" CCAPA refers to as needing to decide the correct parking ratio? In my view, it is in interest of all Californians to reform minimum parking requirements along the lines of AB 904. Please ask the CCAPA leadership to reverse their position and support AB 904. Thank you for your consideration of my request.

Sincerely yours,



Richard Willson, Ph.D., FAICP
Professor

cc: K. Keller

3801 West Temple Avenue, Pomona, CA 91768 Telephone (909) 869-2688 Fax (909) 869-4688

THE CALIFORNIA STATE UNIVERSITY Bakersfield, Channel Islands, Chico, Dominguez Hills, Fresno, Fullerton, Hayward, Humboldt, Long Beach, Los Angeles,
Maritime Academy, Monterey Bay, Northridge, Pomona, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Luis Obispo, San Marcos, Sonoma, Stanislaus

Columbia University

IN THE CITY OF NEW YORK
THE GRADUATE SCHOOL OF ARCHITECTURE PLANNING AND PRESERVATION
400 AVERY HALL

June 23, 2012

Dear Mr. Snow,

I am writing to express deep concern about California APA's opposition to reforming minimum parking requirements through AB 904. I have studied parking regulations as part of my research for over a decade, half of which time I was in California. It is without question that minimum parking requirements are an egregious failure of planning, and the California APA's position seems to suggest that, despite decades of evidence to the contrary, they know precisely how much parking should be supplied. The California APA's position is troubling, to say the least, and actually reinforces the circular logic that got our cities into such trouble in the first place.

Minimum parking requirements increase the cost of housing, increase the amount of land needed for development, and represent the single largest subsidy to drivers. I will not dwell on these effects as the California APA's letter of opposition suggests that you are aware of the need for reform. Parking reform should be at the top of any planner's priorities for building better cities. I do want to challenge some of your reasons for opposing AB 904, and show why your concerns are unfounded.

In the basic issues section and in the specific concerns section you are worried that the proposed reduction in required parking minimums is not based on data. To quote your letter:

"Page 4, S. 65200 (a). It is not apparent how these parking minimums were determined. They appear to be based on no specific data. Of chief concern is the requirement for one parking space per thousand square feet of any non-residential project regardless of use. Given that most jurisdictions use 3-5 parking spaces per 1000 square feet for uses that require the most parking, such as grocery stores, stadiums, park and ride lots, and medical offices, this assumes that up to 75% of those using the project would be using transit. That is a huge leap of faith and one likely to detrimentally impact projects surrounding these facilities."

This quote suggests that existing parking requirements are based on something other than a huge leap of faith. They aren't. No one knows the right number of parking spaces, and no one knows how many parking spaces are already built. Just because most jurisdictions require 3-5 spaces per 1,000 square feet does not mean they are correct. As a telling example of how supposed "correct" parking requirements have performed, consider that the amount of required parking built in the United States allows researchers to estimate retail sales by looking at images of parking lots taken from outer space. Remote Sensing Metrics, a company that specializes in counting the number of cars parked in commercial and retail lots using satellite images, correctly

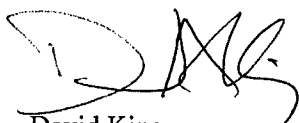
NEW YORK, NEW YORK 10027
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1172 AMSTERDAM AVENUE

predicted that the 2011 holiday shopping season was going to be a success because 39 percent of parking spaces were occupied at shopping malls. We live in a world where 60 percent of parking spaces are vacant during good times. I do not see how this indicates that cities know how to set parking requirements. It does suggest that we build too many spaces. I agree that the proposed minima in AB 904 seem a bit convenient, but so are existing requirements. However, the proposed changes aim toward planning for people, building better places, and achieving a broad set of planning goals. By maintaining the status quo, the existing parking requirements make it easier and cheaper to drive.

Another concern expressed is the definition of transit-intensive areas, and you suggest that only areas with existing transit service should be included. California is heavily investing in new transit systems, and these systems take a long time to plan and build. Reducing required parking now will make these areas better for transit when the transit arrives. Requiring lots of parking in areas where transit will be built will reduce the utility of the investment. We should build transit in areas that are not dominated by automobiles because those are the types of areas where lots of people will use transit! Lower required parking standards strengthen the relationship between transit and land use.

Reforming parking policy is difficult, but also presents opportunities for building a new regulatory framework that supports good planning and flexibility for accommodating future needs and uses. Maintaining the status quo hampers California's ability to pursue creative policies that are more equitable and economically viable and that promote vibrant communities. I hope you will reconsider the APA California position.

Regards,

A handwritten signature in black ink, appearing to read 'DK', with a stylized flourish underneath.

David King

Assistant Professor of Urban Planning
Graduate School of Architecture, Planning and Preservation
Columbia University

Cc: Kevin Keller

Sande George

MICHAEL MANVILLE

David Snow and Sande George
American Planning Association: California Chapter

June 15, 2012

RE: Assembly Bill 904

Dear Mr. Snow and Ms. George,

I saw with dismay that California APA is once again moving to block parking reform. I have studied parking policy, and minimum parking requirements in particular, for over ten years. At this point the general picture is clear: minimum parking requirements are obstacles to virtually everything the American Planning Association ostensibly promotes. Minimum parking requirements inhibit housing and population density, subsidize vehicle ownership and driving, undermine walkability and transit use, prevent the reuse of older buildings, and impede the redevelopment of downtowns and other dense areas. These laws subsidize vehicle travel by making property development more expensive, and render the built environment less suitable for walking, cycling and transit use.

Your missive states that parking requirements should only be reduced when communities believe it is right for them to do so. Superficially this makes some sense; in many instances local control has great advantages. But the nature of the problem created by parking requirements, and the distribution of their costs and benefits, suggest that local reform comes very slowly, if ever.

The original justification for parking requirements was that new development, if it does not include parking, will create spillover that clogs nearby streets. It is now well understood, however, that parking minimums have little value mitigating spillover, because many drivers seek on-street spaces first and park off-street only when congestion or pricing pushes them to look to do so. Accordingly, the only measure that has proven effective against spillover is metering or otherwise restricting congested streets. All cities have the authority to carry out this solution, but for understandable reasons few have the political will: meters aren't popular. Off-street parking requirements therefore, allow cities to avoid the entirely practical albeit politically unpopular step of metering. In effect, parking requirements place a tax on future residents (by increasing housing prices) in order to let current drivers keep parking for free. This does not seem like a policy APA should embrace.

Further, by inhibiting density and impeding development, parking requirements often become tools of exclusion. Local governments have used parking requirements to quietly block affordable housing and stop development targeted toward lower-income people (a two spaces per unit parking requirement, after all, essentially makes it illegal to build housing explicitly for people who can't afford cars). Thus the burden of parking requirements tends to fall on those who our profession should most be trying to protect, and--crucially--this constituency is essentially disenfranchised. *Future residents can't vote*. This is the Catch-22 of exclusionary zoning: if I am being kept out of a community by local regulatory barriers, I can't vote to remove

those barriers, because they are keeping me out of the community and thereby preventing me from voting.

This political calculus of parking requirements—the benefits accrue to more affluent incumbent voters while the costs fall on nonvoters with the least means and the least voice—makes the idea of localities deciding to roll back their own back parking ordinances highly unlikely. Local governments respond to, and speak for, their current residents. It is the responsibility of state governments (and, one would hope, the state APA) to speak for the welfare of the broader public. And in fact the history of parking reform in the United States suggests that progressive, sustainable approaches are often the result of pressure or direction from higher levels of government. The parking maximums in Boston, Portland and Manhattan did not come about because residents of those neighborhoods decided to enable more population density. They were a result of mandates from the EPA. Few planners today, however, would look at downtown Boston or lower Manhattan or the Portland CBD and consider them examples of heavy-handed government overreach. Rather in hindsight they look like excellent planning decisions that helped enable density, and create or preserve exemplary built environments.

AB 904, of course, does not promote parking maximums. It simply caps minimums. Any developer who wants to exceed the minimum can do so. AB 904 helps break the political logjam that surrounds parking and helps ensure that localities will use parking requirements appropriately, not as instruments to block development or maintain free street parking or engage in quiet NIMBYism. AB 904 also makes maintaining local standards easy for cities (far easier, frankly, than those of us who worry about regulatory exclusion would prefer), so APA's concerns about local control seem misplaced.

It is greatly disappointing to me that California APA has abdicated its responsibility to the broader welfare of Californians, and chosen once again to be on the side of excess vehicle travel and exclusionary zoning. I hope the organization will reconsider its position.

Best,

Mike

Michael Manville
Department of City and Regional Planning
Cornell University

Donald Shoup

From: Brian D. Taylor [btaylor@ucla.edu]
Sent: Wednesday, June 20, 2012 2:28 PM
To: kevin.keller@lacity.org
Cc: sgeorge@stefangeorge.com; Borrelli, Juan
Subject: Cal APA Opposition to AB 904

Mr. Kevin J. Keller, AICP
President, Cal APA
City of Los Angeles
200 N. Spring Street,
Suite 667
Los Angeles, CA 90012

Dear Mr. Keller:

I read with dismay the email message dated June 13th from the California chapter of the APA that encouraged planners to write letters of opposition to Assembly Bill 904; this bill would reform minimum parking requirements in transit-intensive districts in California.

The gist of your argument, as I understand it, is that cities should be able to decide such matters on their own. But the mounting body of evidence that minimum parking requirements drive up the cost of development in order to subsidize driving are the product of this local control. And, once established, cities find it very difficult politically to work their way out of the minimum-parking-requirements/subsidized-driving trap on their own. But the work of planning and the APA is not to make things politically easy for cities, but to build and maintain vibrant, sustainable, and just cities. The only reason I can see to enforce generous minimum parking requirements around transit stations is to avoid the politically challenging task of managing on-street parking with pricing or restrictions – after all, nothing prevents transit-oriented developers from building more than the required parking, should they deem it financially wise to do so.

As my UCLA colleague Donald Shoup has put it: “In the politics of parking requirements, planners and politicians weigh the interests of voters (who want free parking and no spillover) against the interests of developers (who must pay for the required spaces). Both of these are short-term concerns. No one takes into account how the required parking increases traffic congestion and air pollution, which are problems that can be shunted onto tomorrow. Even planners ignore how parking requirements degrade urban design and distort urban form. Parking requirements are never used as strategic instruments to achieve long-term goals. Instead, they are tactical responses to solve immediate and purely local spillover problems.”

To conclude, I urge you to remember that the APA exists to support planners and good planning, and is not tasked with protecting the short-term political expediency interests of local governments – that is what municipal elections are for. As such, I urge the California APA to support good planning and support AB 904.

Respectfully,

Brian D. Taylor, PhD, FAICP

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Brian D. Taylor, FAICP
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June 23, 2012

Mr. Kevin J. Keller, AICP
President, California Chapter, American Planning Association
City of Los Angeles
200 N. Spring Street, Suite 667
Los Angeles, CA 90012

Dear Mr. Keller:

I am in receipt of two emails from Lauren Silva relating to Assembly Member Skinner's AB 904, as well as Donald Shoup's forceful response to the current CA APA position.

I am in absolute agreement with Professor Shoup and strongly opposed to the Chapter's opposition to this important and worthwhile legislation. I am also deeply disappointed in the Chapter's clumsy manner in dealing with this subject, and in the overreaction and hyperbole the Chapter has engaged on this legislation.

Let's be clear – the issue is local control versus legislating for the common good across the state. We all know that local officials are under tremendous pressure from some constituents – many with loud voices and deep pockets – to make no changes. We all deal with it every day. Our system of local jurisdictions, and their arbitrary and historic boundary lines, often doesn't allow for a wide range of political discourse at the local level.

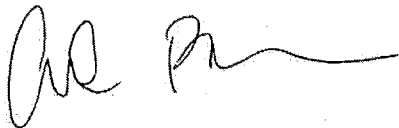
When that happens – and it happens all the time related to parking, which has become a tool to increase the cost of development and reduce the availability of housing and employment in already developed areas – then the only recourse is for the Legislature to act. This is no different from the housing density bonuses required in state law, or the requirement to permit for child care facilities. In fact, it is really not much different from the statewide building code.

I would argue accommodating urban, in-fill development in transit rich areas is even more important to the state than these other policy concerns because the state has invested billions of dollars in the urban transportation infrastructure

and state taxpayers should expect to see these investments used to their fullest potential.

I fully support AB 904 without any amendments. I am a certified planner, and also one of only two AICP Certified Transportation Planners in the state. I hope that you would consider my objections to the Chapter's position in that light. It is, frankly, embarrassing to be associated with such a position and to see the Chapter so far on the wrong side of the profession, and ultimately, on the wrong side of history.

Sincerely,

A handwritten signature in black ink, appearing to read 'AB Bruzzone', with a long horizontal flourish extending to the right.

Anthony Bruzzone, AICP CTP

cc:

David Snow, AICP
APA California, Vice President for Policy & Legislation

Hanson Hom, AICP, Northern Section Director

Lauren Silva, California APA

The Honorable Nancy Skinner
California State Assembly

June 29, 2012

Mr. Kevin J. Keller, AICP
President, Cal APA
City of Los Angeles
200 N. Spring Street,
Suite 667
Los Angeles, CA 90012

Dear Mr. Keller:

Professors Donald Shoup, Michael Manville, and Brian Taylor have already submitted eloquent letters summarizing research on minimum parking requirements. Though minimum parking requirements parking lead to undesirable externalities, cities are hard-pressed to unilaterally relax these requirements because of neighborhood interests and the perceived threat of competition. I would like to add that AB 904 is in the State's best interest and that it would allow planners to do what they do best: manage scarcity in the built environment.

The state no longer has sufficient revenue to knowingly dilute its investments, including funding for transit. According to the National Transit Database Table 1.1, between 1991 and 2010 State of California has dispersed \$14.2B in funds for transit capital and operating expenses. During that same period, the State spent billions of dollars to indirectly subsidize redevelopment - mostly to fill in structural funding gaps created by Proposition 13 but magnified by Proposition 98 and RDA tax increment financing. Even if a small proportion of all California's redevelopment expenditures went to build parking in areas with high quality transit service, the state has still subsidized tens of millions of dollars of parking spaces in areas that are well-served by transit. Minimum parking requirements force an increase in parking supply, which both increases congestion experienced by transit vehicles and lowers parking prices. The combined effect is to make driving more attractive relative to transit. Although the State has dissolved redevelopment, it maintains an interest in seeing that its funding for transit is not diluted by mandates for excessive parking supply in areas with high quality service. I believe AB 904 is a reasonable step to align state and local incentives, given that most California local land use authorities which set minimum parking requirements do not directly fund transit service.

What constitutes excessive parking supply in an area with high quality transit service? Many planners, myself included, would argue that is not uniform across the state--it depends on local conditions. However, where proponents and opponents of AB 904 disagree is whether variations in local conditions means that local governments should retain the power to mandate that new residents and businesses continue to subsidize parking in areas with high quality transit service.

Parking scarcity means that demand exceeds supply at a price of zero. If AB 904 leads parking scarcity in areas with high-quality transit service, it creates an opportunity for planners.

Planners manage scarcity. Land is scarce, and planners have developed countless tools to manage this scarcity in a manner that, when interacting with markets, serves the public good.

For decades, planners have attempted to avoid parking scarcity by imposing minimum parking requirements. Because land continues to be scarce, but parking is not, this leads to a myriad of problems: traffic congestion, increased cost of construction, and a reduced reliance on walking and transit.

I see AB 904 as a measured step toward inducing innovation in parking demand management.

The bill only applies to areas with significant investment in transit: it will not make parking scarce in areas without frequent peak hour transit service. AB 904 will not reduce parking supply in existing developments, it merely slows the increase in parking that new developments must subsidize in areas with high quality transit. If a community decides that high quality transit isn't a viable alternative for parkers, AB 904 will not preclude the local governments from funding and constructing new public parking structures. AB 904 will not prevent a developer from building more parking than the minimum amount required.

It seems that opponents of AB 904 think that parking scarcity will be unmanageable, but nothing in the bill limits creative responses to scarcity. In most other fields, scarcity begets innovation and opportunity. The bill does nothing to limit innovative responses to parking scarcity. Strategies such as parking management districts, shared parking, and transitional parking plans can lead to more efficient utilization of public and private investment in parking. One criticism of dedicated off-street parking is that it cannot be shared by adjacent or nearby uses with asymmetric parking demand. Nothing in the bill prevents a local government from creating an air-space map for an existing retail development with a parking podium, purchasing the parking section in a market transaction, and managing it as a shared resource for the area. Nothing prevents individual property owners from voluntarily transferring control over parking to a business improvement district – which can then manage the parking as a shared resource in way that meets the needs of BID members. Nothing prevents the evolution of the real estate market to attract low-car households to new construction in areas with high quality transit service, and let other households self-select into resale units or new construction elsewhere. Nothing prevents cities from creating on-street residential parking permitting schemes that issue passes at the current price to incumbents and at a higher price for new arrivals - rent control for residential curb parking.

I have trouble envisioning a sustainable future in which the primary tool planners use to manage automobile parking is an abundance of supply rather than innovative responses. Because of this, I see AB 904 is a necessary step toward a sustainable future.

Respectfully,

Juan Matute

Juan Matute

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American Planning Association
California Chapter

Making Great Communities Happen

June 20, 2012

Assembly Member Nancy Skinner
Room 4126
State Capitol
Sacramento, California 95816

SUBJECT: **OPPOSE UNLESS AMENDED AB 904 (SKINNER) –**
MINIMUM PARKING REQUIREMENTS – IN
SENATE GOVERNANCE & FINANCE-
WEDNESDAY, JUNE 27TH

Dear Assembly Member Skinner:

Although APA California very much supports reduced parking standards for infill development in transit rich areas, we must respectfully oppose AB 904 unless amended. AB 904, as presently drafted, would restrict local agencies' ability to require parking in excess of state-wide ratios for transit intensive areas unless the local agency makes certain findings and adopts an ordinance to opt out of the requirement.

We appreciate your staff and the sponsors meeting with us to review our concerns and questions with the current version of the bill, and wish this dialogue could have occurred earlier in the process. While APA California supports the reduced parking concepts underlying the bill, we also have a number of concerns with the process and specific language that is used in this bill, and don't believe as written it will accomplish the sponsors' goals. Specifically, the parking minimums are so strict that most jurisdictions will exercise the opt-out provisions rather than undertaking a meaningful reassessment of parking ordinances.

APA California looks forward to continuing the dialogue with you and the sponsors to develop a proposal that meets both the sponsors' and APA California's objectives.

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Below are the specific concerns that APA California has identified with AB 904 as recently amended:

Basic issues:

- **SINGLE STATEWIDE STANDARD:** The goal of having reduced parking in the right places is a good one. However, given the huge diversity of cities and counties in California, local conditions vary and a single statewide standard undermines the ability of individual agencies to take into account their unique situations. Further, agencies around the State are considering these important issues and updating parking standards through revised parking ordinances and flexible standards that can be authorized by discretionary review.
- **OPT-OUT PROVISION:** Requiring most jurisdictions to exercise the opt out provision because the parking standards are too strict subjects local agencies to an unnecessary and complex process of defining objective criteria, documenting findings and complying with ordinance adoption requirements. This exposes agencies and project developers (as real parties in interest) to lawsuits, fails to account for those agencies that already have low parking standards but which still don't meet the arbitrary standards in the bill, and does nothing to assist local agencies that have not yet revised parking standards.
- **DEFINITION OF TRANSIT INTENSIVE AREAS:** Transit intensive areas should be served by actual and usable transit options in urban infill areas, not minimal or planned future transit facilities or services that are currently included in AB 904.
- **ONE COMMERCIAL PARKING MINIMUM:** Requiring only one parking space per 1000 square feet of nonresidential project area is particularly problematic. This requirement treats a stadium, a Safeway, a park and ride lot, medical offices, a small café, and many other categories of commercial use in the same way. The bill should instead focus on residential and mixed-use projects, which are more similar across jurisdictions and more typical infill projects.
- **PARKING MAXIMUMS:** Bill proponents say that AB 904 does not create parking maximums. While strictly speaking this is true because developers/project proponents have the ability to propose as much parking as they see fit, local agencies are precluded from requiring more parking than the statutory rates unless certain extra steps are taken. APA California does not agree that developers should be granted latitude while local planning experts and decision makers are afforded no such latitude.
- **EXISTING LOW PARKING STANDARDS:** Many jurisdictions in the last few years have adopted thoughtful parking ordinances to reduce parking requirements. Such efforts should be recognized and those agencies should be given credit for current parking programs.

Examples of cities with reduced parking standards include:

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1. The City of Sacramento is near adoption of changes to their parking regulations, which are proposed to substantially reduce or eliminate many of their parking ratios.
2. The City of Pasadena had enacted a Parking Credit program, which allows a developer to build a larger parking option and charge other developers for use of those parking spaces so their projects do not have to individually provide parking. This bill could leave the developer with the parking footing a very large bill.
3. The City of LA has adopted its Adaptive Reuse Ordinance that substantially lowers parking requirements and has been used as a good parking standard example by proponents of the bill. However, the 1.3 parking spaces per dwelling unit, on average, suggests that the proposed parking standards in the bill may be too low.
4. San Bernardino is considering a transit overlay district with alternate development standards.
 - LOCAL COASTAL PLAN CONFLICT: Cities and counties in the coastal zone with LCP's must have any parking ordinance approved by the Coastal Commission. Historically, the Coastal Commission has rejected efforts to substantially reduce parking, weighing in on the side of more parking to ensure continued public access. Because of this, it is unclear which would take precedence.

Specific Concerns with AB 904 Provisions:

- Page 5, (d), definition of "transit-intensive area": This definition should be amended to eliminate any major transit stop or high-quality transit corridor that is included in a regional transportation plan but not yet operating to ensure that these areas have real alternatives to the use of a car. The bill should also state that it applies to urban infill areas only, perhaps using the SB 375 urban infill definition.
- Page 4, S. 65200 (a). It is not apparent how these parking minimums were determined. They appear to be based on no specific data. Of chief concern is the requirement for one parking space per thousand square feet of any non-residential project regardless of use. Given that most jurisdictions use 3-5 parking spaces per 1000 square feet for uses that require the most parking, such as grocery stores, stadiums, park and ride lots, and medical offices, this assumes that up to 75% of those using the project would be using transit. That is a huge leap of faith and one likely to detrimentally impact projects surrounding these facilities.
- Page 6, (e), 1-4: We appreciate the drafting error correction to allow cities and counties to make one of four findings. This four-finding "out," however, includes language that needs to be clarified. The requirement that the findings be made based upon "objective criteria," which isn't defined, and "substantial evidence" appears to be setting up cities and counties for lawsuits, particularly given that the findings include terms that are undefined. The jurisdiction would have to evaluate each "transit intensive

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area" in applying these findings. Particularly for larger cities, a single review for the entire jurisdiction makes more sense and eliminates a substantial amount of cost and staff time. This is onerous and burdensome, and undermines the "flexibility" proponents claim. Finding #4 should be amended to be less specific to a single type of plan. It should read: "conflict with a Specific Plan or other adopted plan for the transit-intensive area that is in effect as of...." It is unclear what a "plan that is specific to a station area" means in this context. If "parking standards that create effective incentives for "transit-oriented development or affordable housing production" apply to Density Bonus law, the bill should clarify that.

- Page 6, (f): Adoption of an ordinance would have to comply with CEQA. Would an ordinance increasing parking requirements above the state minimum require an EIR? Could the statute include a CEQA exemption? The bill should also clarify that adoption of the ordinance is not required for each transit-intensive area. The timeline to approve the ordinances within one year or subject all projects to the parking minimums in the bill is extremely tight, particularly if the ordinances will be subject to CEQA. A three-year implementation date for the bill would be more realistic. We question whether an ordinance is the proper vehicle for opting out. A resolution, perhaps after a public hearing, would be a more appropriate, less time-consuming process. Further, it would allow for delegation to a Planning Commission if an agency deemed that appropriate.

As noted above, we remain willing to work with you and the sponsors to clarify these issues, as well as work on an alternative that focuses on residential and mixed-use projects.

If you have any questions, please contact APA California's lobbyist Sande George, Stefan/George Associates, at 916-443-5301, sgeorge@stefangeorge.com.

Sincerely,



David Snow, AICP
APA California, Vice President for Policy & Legislation

cc: Members of the Senate Governance & Finance Committee
The Governor
The Office of Planning & Research

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