

CONCURRENCE IN SENATE AMENDMENTS

AB 2097 (Friedman)

As Amended August 24, 2022

Majority vote

SUMMARY

Prohibits public agencies from imposing minimum automobile parking requirements on specified residential, commercial and other developments located within one-half mile of public transit.

Senate Amendments

- 1) Allow a city or county to impose minimum parking requirements on developments located within one-half mile of public transit if the city or county makes written findings within 30 days stating that not imposing minimum parking requirements would have a substantially negative impact, as specified, on one of the following:
 - a) The agency's ability to meet its share of the regional housing need for low- and very low income households.
 - b) The agency's ability to meet any special housing needs for the elderly or persons with disabilities, as specified.
 - c) Existing residential or commercial parking within one-half mile of the housing development project.
- 2) Provide that the ability of a city or county to impose parking requirements does not apply to a housing development project that satisfies any of the following:
 - a) The development dedicates a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
 - b) The development contains fewer than 20 housing units.
 - c) The development is not subject to parking requirements based on the provisions of any other state law.
- 3) Add the provisions of this bill to the list of laws that may be enforced by the Department of Housing and Community Development (HCD) and the Attorney General, as specified.
- 4) Add several definitions to this bill, and specify that a development "project" does not include a project where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of the housing development project is designated for use as a residential hotel, as defined.

COMMENTS

Cities and counties generally establish residential and nonresidential parking standards that capture various types of facilities and uses. Parking standards are commonly indexed to conditions related to the building or facility they are associated with. For example, shopping

centers may have parking requirements linked to total floor space, restaurants may be linked to the total number of seats, and hotels and apartment complexes may have parking spaces linked to the number of rooms in the building.

In 2019, California Air Resources Board (CARB) staff reviewed over 200 municipal codes and found that for nonresidential construction, an average of at least one parking space is installed for every 275 square feet of nonresidential building floor space. Accounting for the fact that approximately 60% of reviewed municipal codes already allow developers to reduce parking by an average of 30%, CARB staff estimated that between 1.4 million and 1.7 million new nonresidential parking spaces may be constructed from 2021-2024.

There is a significant body of academic research regarding the potential impact minimum parking ratios have on car ownership, VMT, use of public transit, and transportation trends generally. In a recent journal article (*What do Residential Lotteries Show us About Transportation Choices?*), researchers from the University of California found that data from affordable housing lotteries in San Francisco provided a unique setting that effectively randomized housing assignments for housing lottery applicants. The study found "that a building's parking ratio not only influences car ownership, vehicle travel and public transport use, but has a stronger effect than public transport accessibility. Buildings with at least one parking space per unit (as required by zoning codes in most United States cities, and in San Francisco until circa 2010) have more than twice the car ownership rate of buildings that have no parking." Specifically, the study found, "In buildings with no on-site parking, only 38% of households own a car. In buildings with at least one parking space per unit, more than 81% of households own automobiles."

According to the Author

"AB 2097 does not prohibit property owners from building on-site parking. Rather, it would give them the flexibility to decide on their own how much on-site parking to provide, instead of requiring them to comply with a one-size-fits-all mandate."

Arguments in Support

The San Francisco Bay Area Planning and Research Association (SPUR) writes in support, "AB 2097 will eliminate requirements that homes and commercial buildings near transit or in neighborhoods with less car use be built with more parking than is necessary. By reducing the overbuilding of parking, this bill would reduce traffic, greenhouse gas emissions and air pollution, reduce the cost of housing to renters and homeowners, and improve the prospects of small neighborhood businesses fighting to survive during the pandemic."

Arguments in Opposition

The City of Newport Beach writes in opposition, "We believe cities, not the State are best suited to determine the parking needs of development projects in their jurisdiction."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Department of Housing and Community Development (HCD) estimates cost of approximately \$178,000 annually for 1.0 PY of staff to coordinate with local governments, provide guidance and technical assistance, investigate complaints, conduct enforcement actions, and make referrals to the Attorney General. (General Fund)

- 2) Unknown, likely minor costs for the Attorney General (AG) to take enforcement actions against non-compliant cities and counties that fail to take corrective actions, to the extent HCD refers violations to the AG. (General Fund)
- 3) Unknown local mandated costs. While the bill could impose new costs on local agencies to revise planning requirements for certain developments, these costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates. (local funds)

VOTES:

ASM LOCAL GOVERNMENT: 6-2-0

YES: Aguiar-Curry, Lackey, Bloom, Ramos, Luz Rivas, Robert Rivas

NO: Boerner Horvath, Voepel

ASM HOUSING AND COMMUNITY DEVELOPMENT: 6-1-1

YES: Wicks, Carrillo, Gabriel, Kalra, Quirk-Silva, Ward

NO: Seyarto

ABS, ABST OR NV: Kiley

ASM APPROPRIATIONS: 13-3-0

YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Fong, Gabriel, Eduardo Garcia, Jones-Sawyer, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Megan Dahle, Davies

ASSEMBLY FLOOR: 47-20-11

YES: Aguiar-Curry, Bennett, Bloom, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooper, Daly, Mike Fong, Fong, Friedman, Gabriel, Eduardo Garcia, Gipson, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Low, McCarty, Medina, Mullin, Patterson, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO: Bauer-Kahan, Bigelow, Boerner Horvath, Choi, Cooley, Cunningham, Megan Dahle, Davies, Flora, Levine, Mathis, Muratsuchi, Nguyen, Petrie-Norris, Salas, Seyarto, Smith, Valladares, Voepel, Waldron

ABS, ABST OR NV: Arambula, Berman, Gallagher, Cristina Garcia, Gray, Kiley, Lackey, Maienschein, Mayes, Nazarian, O'Donnell

UPDATED

VERSION: August 24, 2022

CONSULTANT: Hank Brady / L. GOV. / (916) 319-3958

FN: 0004405