
THIRD READING

Bill No: AB 894
Author: Friedman (D), et al.
Amended: 9/8/23 in Senate
Vote: 21

SENATE GOVERNANCE & FIN. COMMITTEE: 7-0, 6/21/23
AYES: Caballero, Blakespear, Dahle, Durazo, Glazer, Skinner, Wiener
NO VOTE RECORDED: Seyarto

SENATE HOUSING COMMITTEE: 9-2, 7/10/23
AYES: Wiener, Blakespear, Caballero, Cortese, McGuire, Padilla, Skinner,
Umberg, Wahab
NOES: Ochoa Bogh, Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/1/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones, Seyarto

ASSEMBLY FLOOR: 62-10, 5/22/23 - See last page for vote

SUBJECT: Parking requirements: shared parking

SOURCE: CivicWell
San Francisco Bay Area Planning and Urban Research Association

DIGEST: This bill requires local agencies to allow developments to count underutilized and shared parking spaces toward a parking requirement imposed by the agency.

Senate Floor Amendments of 9/8/23 require a public agency that is the largest source of funding for a project, as specified, to evaluate the feasibility of shared parking.

ANALYSIS:

Existing law:

- 1) Allows each city and county to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.
- 2) Requires each city or county to adopt a general plan for the physical development of the city or county and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties.
- 3) Sets specified percentage requirements of available parking spaces for new developments for persons with disabilities, electric vehicles, and other specific purposes.

This bill:

- 1) Requires, when an entity receiving parking is not using that parking to meet public agency automobile parking requirements, a local agency to allow entities with underutilized parking to share their underutilized parking spaces with the public, local agencies, or other entities, if those entities submit a shared parking agreement to the public agency and information demonstrating the benefits of the proposed shared parking agreement.
- 2) Requires, in cases where where an entity is entering into a shared parking agreement and proposes to use the shared parking spaces to meet local agency automobile parking requirements, a local agency to:
 - a) Approve a shared parking agreement if it:
 - i) Includes a parking analysis using peer-reviewed methodologies, as specified.
 - ii) Secures long-term provision of parking spaces or affords the opportunity for periodic review and approval by the public agency.

- 3) Requires a local agency to allow parking spaces identified in a shared parking agreement to count toward meeting any automobile parking requirement for a new or existing development or use, as specified.
- 4) Requires a local agency to approve a shared parking agreement if it includes a parking analysis using peer-reviewed methodologies, as specified.
- 5) Provides that if no parking analysis is included, the local agency is required to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements. For shared parking agreements for developments of 10 units or larger, or 18,000 square feet or more, before making the determination the local agency must:
 - a) Notify all property owners within 300 feet of the shared parking spaces of the proposed agreement, including that the property owner has 14 days to request a public meeting before the local agency decides whether to approve or deny the shared parking agreement.
 - b) If requested, hold a public meeting on the shared parking agreement to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements.
- 6) Provides that the requirements in 7) do not apply to a local agency that has enacted an ordinance that provides for shared parking agreements, including ordinances enacted before January 1, 2024.
- 7) Prohibits a local agency from requiring the curing of any preexisting deficit of the number of parking spaces as a condition for approval of the shared parking agreement.
- 8) Prohibits a local agency from withholding approval of a shared parking agreement between entities solely on the basis that it will temporarily reduce or eliminate the number of parking spaces available for the original proposed uses.
- 9) Requires a local agency to allow a development project applicant to meet minimum parking requirements through the use of offsite shared parking in which a designated historical resource is being converted or adapted.
- 10) Requires a local agency, private landowner, or lessor to examine the feasibility, as specified, of shared parking agreements to replace new parking

construction or limit the number of new parking spaces that will be constructed, in either of the following circumstances:

- a) When state funds are being used on a proposed new development and the funding availability is announced after June 30, 2024.
 - b) When public funds are being used to develop a parking structure or surface parking and the public funding has not been awarded as of June 30, 2024.
- 11) Requires the public agency that provides the most funding to a project to require that the feasibility study be performed.
- 12) Provides that this bill does not:
- a) Reduce, eliminate, or preclude the enforcement of any requirement imposed on a residential or nonresidential development to provide parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development.
 - b) Require parking be offered without cost or at reduced cost to the user.
 - c) Give local agencies a right to compel private parties to enter into a shared parking agreement.
 - d) Apply to land owned or leased by the state.
- 13) Defines its terms and includes findings and declarations to support its purposes.

Background

Planning and approving new housing is mainly a local responsibility. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

Parking standards. Cities and counties generally establish requirements for a minimum amount of parking developers must provide for a given facility or use, known as parking minimums or parking ratios. Local governments commonly index parking minimums to conditions related to the building or facility with which they are associated. For example, shopping centers may have parking requirements linked to total floor space, restaurant parking may be linked to the total number of seats, and hotels may have parking spaces linked to the number of beds or rooms.

However, research has documented various harms associated with parking minimums outside the housing context. According to the Turner Center for Housing Innovation:

Parking requirements have also been linked to a variety of negative secondary impacts, in particular the environmental costs for cities. Parking contributes to the urban heat island effect and does not support any biodiversity. Land coverage by asphalt increases stormwater runoff, which raises the risk of flooding and causes higher pollution levels in freshwater systems. Chemical compounds used to seal parking lots can seep into groundwater and freshwater systems, which contributes to pollution and decreases the health of these ecosystems. Because it encourages automobile usage, parking also hinders the effectiveness and usage of alternative forms of transit (public transportation, biking, etc.), increases congestion, and causes externalities like air pollution, noise pollution, and greenhouse gas emissions.

To spur greater use of underutilized parking, and to make it easier for entities to meet minimum parking requirements, the San Francisco Bay Area Planning and Urban Research Association (SPUR) wants to require local agencies to allow underutilized parking spaces to be shared with other land uses and the public, and to count shared parking toward meeting parking requirements.

Comments

- 1) *Purpose of the bill.* According to the author, “Assessments recently quantified the number of parking spaces in the state’s most populous regions and found abundant parking even in areas where parking is perceived to be in short supply. The results of these assessments confirm that what is often lacking in many communities is not parking, but rather tools and regulations that allow existing parking to be shared more effectively. At the same time, new technologies make it easier than ever to share existing parking resources, reducing the need to build new parking. Unfortunately, many jurisdictions

have not updated their policies to reflect evidence on the benefits of shared parking, and the existence new tools that make it easy to manage shared parking resources. This bill requires that jurisdictions accept shared parking as a legitimate strategy to meet parking demands in a manner that supports more affordable development and avoids wasteful excessive parking construction which contributes to congestion, greenhouse gas emissions, and neighborhood safety.”

- 2) *Home rule.* Local officials are elected to represent the interests of all their constituents and to look broadly at how new development might impact their community. For example, concerns over the encroachment of wildfire may prompt some local governments to impose parking requirements to ensure streets are open for evacuation and emergency response. Some local agencies have developed policies for multiple entities to share parking spaces and count those parking spaces when determining whether a development meets minimum parking requirements. For example, the City of San Diego has a form available on its website for entities that want to request all or a portion of parking to be permitted off-site subject to certain restrictions. Regardless of the decisions local officials have made regarding shared parking agreements, AB 894 requires all local agencies to allow entities with underutilized parking to share their underutilized parking spaces. Should the Legislature require all public entities to accept these shared parking agreements?

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- The Department of Housing and Community Development (HCD) indicates that any costs associated with this bill would be minor and absorbable. (General Fund)
- Unknown local mandated costs. While this bill could impose new costs on local agencies to revise planning requirements to allow for the use of shared parking agreements to count toward meeting parking requirements, 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)

SUPPORT: (Verified 9/11/23)

CivicWell (co-source)

San Francisco Bay Area Planning and Urban Research Association (co-source)

350 Bay Area Action
Active San Gabriel Valley
American Planning Association, California Chapter
California Apartment Association
California Community Builders
California YIMBY
City of Gilroy Council Member Zach Hilton
Council of Infill Builders
East Bay YIMBY
Grow the Richmond
How to ADU
Monterey Bay Economic Partnership
Mountain View YIMBY
Move LA
Napa-Solano for Everyone
Natural Resources Defense Council
Northern Neighbors
Parkade
Peninsula for Everyone
People for Housing Orange County
Progress Noe Valley
San Francisco YIMBY
San Luis Obispo YIMBY
Santa Cruz YIMBY
Santa Rosa YIMBY
Seamless Bay Area
South Bay YIMBY
Southside Forward
Streets for All
Streets for People
Transform
Urban Environmentalists
Ventura County YIMBY
YIMBY Action

OPPOSITION: (Verified 9/11/23)

Association of California Cities – Orange County
City of Eastvale
Livable California
Marin County Council of Mayors and Councilmembers

ASSEMBLY FLOOR: 62-10, 5/22/23

AYES: Addis, Aguiar-Curry, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NOES: Alanis, Megan Dahle, Davies, Dixon, Essayli, Flora, Sanchez, Ta, Waldron, Wallis

NO VOTE RECORDED: Chen, Vince Fong, Gallagher, Lackey, Mathis, Jim Patterson, Joe Patterson, Quirk-Silva

Prepared by: Jonathan Peterson / GOV. & F. / (916) 651-4119
9/11/23 17:50:55

**** END ****