

CONCURRENCE IN SENATE AMENDMENTS

AB 894 (Friedman)

As Amended September 8, 2023

Majority vote

SUMMARY

Requires local agencies to allow developments to count underutilized and shared parking spaces toward a parking requirement imposed by the agency, under specified conditions.

Senate Amendments

- 1) Narrow the bill's application to local agencies only, by removing references to the state or any state agency, board, or commission.
- 2) Define "shared parking agreement," require an entity that wishes to share underutilized parking pursuant to the bill's provisions to submit a shared parking agreement to the local agency, and require a local agency to approve a shared parking agreement under specified conditions that include the provision of long-term parking spaces and the opportunity for periodic review and approval by the local agency.
- 3) Allow a local agency to require that shared parking agreements be recorded against the parcels that are part of the agreement.
- 4) Require, if entities submit a shared parking agreement without a parking analysis as specified in the bill, the local agency to decide whether to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared to fulfill parking requirements.
- 5) Require, for shared parking agreements for developments of 10 residential units or more, or 18,000 square feet or more, before making the determination specified in 4), above, the local agency to do the following:
 - 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 the local agency receives a request to hold a public meeting within 14 days of notifying property owners, the local agency shall hold a public meeting on the shared parking agreement to approve or deny the agreement and determine the number of parking spaces that can be reasonably shared to fulfill parking requirements.
- 6) Provide that the requirements in 4) and 5), above, shall not apply to local agencies that enact an ordinance that provides for shared parking agreements, including ordinances enacted before January 1, 2024.
- 7) Allow a local agency approving a project proposing to use a shared parking agreement to request and confirm reasonable verification that shared parking agreements have been or will be secured as a condition for such approval.

- 8) Clarify that the bill shall not reduce the percentage of parking spaces that are designated for electric vehicles that would otherwise have applied.
- 9) Clarify that a local agency, private landowner, or lessor shall examine the feasibility of shared parking agreements to replace new parking construction or limit the number of new spaces to be built in the following circumstances:
 - a) When state funds are used on a 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 funding has not been awarded as of June 30, 2024.
- 10) Require the local agency providing the most funding for a proposed new development to examine the feasibility of shared parking agreements, and require the examination to include identification of parking facilities on contiguous properties or nearby properties that would not require users to cross a street, as specified.
- 11) Clarify that the bill does not apply to land owned or leased by the state
- 12) Clarify that nothing in the bill shall be interpreted to give local agencies a right to compel private parties to enter into a shared parking agreement.
- 13) Make additional technical, clarifying and conforming changes.

COMMENTS

Cities and counties generally establish 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 may have parking spaces linked to the number of beds or rooms present at the facility.

In 2019, 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.

Developing new parking spaces requires a significant dedication of land and resources. A typical parking space measures from eight to 10 feet wide and 18-20 feet long. Off-street parking also requires driveways and access lanes for circulation within the parking lot. As a result, off-street parking typically requires 300 square feet (compact, urban off-street parking) to 400 square feet (full-size, urban off-street parking) of land per parking space. This means that 100 to 150 parking spaces requires one acre of land. In urban areas where land is expensive or unavailable, the cost of constructing an aboveground or belowground parking structure is considerable. A 2018 report by the United States Government Accountability Office found that urban affordable housing projects in California and Arizona that include parking structures were associated with a per-unit cost increase of about \$56,000 per unit. A more recent study analyzed the regional parking

structure construction costs per parking space in major metropolitan areas. The study found that the average cost of construction for a parking space in a parking structure is \$26,653 in Los Angeles and \$30,316 in San Francisco.

According to the Author

"Currently, some jurisdictions either prohibit shared parking, allow shared parking only in certain narrow circumstances, or make no clear accommodation to allow parking owners or managers to share underutilized parking with other land uses. Many jurisdictions do allow shared parking to count toward meeting public agency parking requirements.

"Without action, some public agencies will continue to require new parking spaces where existing parking can be shared more effectively. Unnecessary parking consumes land and resources that could be better used to support more housing, jobs, services, and open space. It also encourages more single-occupant vehicle use which contradicts the legislature's climate and equity goals."

Arguments in Support

San Francisco Bay Area Planning and Urban Research Association, sponsor of this bill, writes, "AB 894 responds to recent research on parking supply. Recent assessments have found a surprising abundance of parking in the most populous California regions, even where there are perceptions that parking is inadequate. A 2015 study of Los Angeles County parking found that there are more than 1.5 parking spaces for every resident in the County, including children. SPUR coordinated a 2022 Bay Area Parking Census which found 15 million parking spaces in the 9-county area - 2.4 spaces for every car. What is often lacking is not parking, but rather tools and regulations that allow existing parking to be shared more effectively...By requiring jurisdictions to allow excess parking to be shared and counted toward parking requirements, AB 894 will reduce circumstances where costly and space-intensive new parking construction is mandated, particularly when nearby existing parking is readily available for use."

Arguments in Opposition

The Association of California Cities – Orange County (ACC-OC) write, "ACC-OC regrets to inform you that we oppose AB 894. This bill would require a public agency to allow entities with underutilized parking to share parking with the public or other entities. Additionally, the bill would further require a public agency to allow shared parking space agreements to count toward meeting automobile parking requirements for a new or existing development. Lastly, AB 894 would require the examination of the feasibility of shared parking agreements when state funds are being used on a proposed new development or before a parking structure or surface parking lot is developed using public funds. ACC-OC believes that cities, not the state, are best suited for making local land use decisions. As AB 894 seeks to take away local decision-making authority over developments in a local jurisdiction, ACC-OC opposes AB 894."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Department of Housing and Community Development (HCD) indicates that any costs associated with this bill would be minor and absorbable. (General Fund)
- 2) Unknown local mandated costs. While the 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)

VOTES:**ASM LOCAL GOVERNMENT: 5-2-0**

YES: Aguiar-Curry, Pacheco, Ramos, Robert Rivas, Wilson

NO: Dixon, Waldron

ASM HOUSING AND COMMUNITY DEVELOPMENT: 6-0-2

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

ABS, ABST OR NV: Joe Patterson, Sanchez

ASM APPROPRIATIONS: 12-3-1

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Robert Rivas, Weber, Ortega

NO: Megan Dahle, Dixon, Sanchez

ABS, ABST OR NV: Mathis

ASSEMBLY FLOOR: 62-10-8

YES: 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

NO: Alanis, Megan Dahle, Davies, Dixon, Essayli, Flora, Sanchez, Ta, Waldron, Wallis

ABS, ABST OR NV: Chen, Vince Fong, Gallagher, Lackey, Mathis, Jim Patterson, Joe Patterson, Quirk-Silva

UPDATED

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