

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 1308 (Quirk-Silva) – As Introduced February 16, 2023

SUBJECT: Planning and Zoning Law: single-family residences: parking requirements.

SUMMARY: Prohibits a public agency from imposing a new minimum parking requirement on a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the residence to exceed the floor-to-area ratio restriction imposed by the public agency. Specifically, **this bill:**

- 1) Prohibits a public agency from imposing a new minimum parking requirement on a project to remodel, renovate, or add to a single family residence provided that the project does not cause the residence to exceed a floor-to-area ratio restriction imposed by the public agency.
- 2) Defines “public agency” to mean the state or any state agency, board or commission, any city, county, city and county, including charter cities, or special district, or any agency, board, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision.
- 3) Makes the following findings and declarations:
 - a) The imposition of mandatory parking minimums can increase the cost of housing, limit the number of available units, lead to an oversupply of parking spaces, and increased greenhouse gas emissions. Therefore, this bill shall be interpreted in favor of the prohibition of the imposition of mandatory parking minimums as outlined in this section.
 - b) To lower the cost of housing production by reducing unnecessary 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 bill applies to all cities, including charter cities.
- 4) Provides that no reimbursement is required by this bill, pursuant to Section 6 of Article XIII B of the California Constitution, because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

EXISTING LAW:

- 1) 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. (Government Code § 65300 – 65404).
- 2) Prohibits public agencies from imposing minimum automobile parking requirements on specified residential, commercial and other developments located within one-half mile of public transit. (Government Code §65863.2).
- 3) Limits the parking requirements a city or county may impose on accessory dwelling units (ADUs). (Government Code § 65852.2).

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill prohibits public agencies from imposing new parking requirements on projects that remodel, renovate, or expand a single family residence provided that the project does not cause the residence exceed the maximum floor-to-area ratio imposed by the public agency.

According to the author, "We're in the midst of a housing crisis, desperately looking for a solution, and we need to consider all options to reduce the overall cost of housing. Mandatory parking requirements also worsen California's severe housing shortage by raising the cost of housing production. Parking structures on single-family residences can cost upward of \$25,000, take up vital land space on the property and yet, families may not own additional cars. AB 1308 does not prohibit property owners from building parking. It would simply give them the flexibility to decide how much parking to build based on their need and affordability, instead of requiring them to comply with a one-size fits all mandate."

- 2) **Background.** The California Constitution provides cities and counties the authority to regulate behavior to preserve the health, safety, and welfare of the public. This provision, (commonly called the police power) gives cities and counties broad authority to regulate land use and other matters, provided that the local policy is "not in conflict with general laws."

Cities and counties use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. Through this authority, cities and counties also establish minimum numbers of required vehicle parking spaces for nonresidential and residential buildings.

- 3) **Local Parking Standards.** 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 with which they are associated. 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 residential buildings may have parking spaces linked to the number of beds or rooms present at the facility or residence.

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 percent of reviewed municipal codes already allow developers to reduce parking by an average of 30 percent, CARB staff estimated that between 1.4 million and 1.7 million new nonresidential parking spaces may be constructed from 2021-2024.

- 4) **State and Federal Parking Requirements.** The state does not establish minimum requirements related to the number of vehicle parking spaces that must be provided for new developments; however, state regulations include requirements relative to the type of vehicle parking that must be provided as a percent of the total parking required per development. For example, the California Green Building Code requires 10 percent of parking spaces at residential developments and six percent of parking spaces at nonresidential developments to be EV parking spaces. State and federal law additionally require cities and counties to ensure

that a specified percentage of vehicle parking spaces at new developments are accessible to persons with disabilities.

- 5) **Policy Considerations.** The Committee may wish to consider the following:
- a) **Floor-to-area ratio.** This bill prohibits public agencies from imposing new minimum parking standards on projects that remodel, renovate, or expand an existing single-family residence if the expansion does not cause the residence to exceed the floor-to-area ratio imposed by the public agency. While many zoning codes adopted by local agencies use floor-to-area ratio requirements to control for the maximum allowed size of a development, many local agencies use alternative measures such as maximum height requirements and lot coverage requirements to limit building size. *The Committee may wish to consider* whether focusing the bill exclusively on floor-to-area ratio standards is too narrow.
 - b) **Public agencies vs. local agencies.** The bill refers to floor-to-area ratios imposed by “public agencies” and defines public agencies to include state agencies, boards and commissions. Development restrictions such as floor-to-area ratios are a creature of local zoning ordinances adopted and enforced by the local agency with land use authority over the area. *The Committee may wish to consider* clarifying that the bill’s provisions limiting new parking requirements are linked to the applicable local zoning regulations.
 - c) **Consistency with ADU law.** ADU law limits parking requirements local agencies can impose on properties where ADUs are developed. *The Committee may wish to consider* clarifying that the bill’s provisions do not supersede the parking provisions in ADU law.
- 6) **Committee Amendments.** In order to address the issues discussed above, the Committee may wish to consider the following amendments:
- a) Delete proposed 65863.3 (a) and rewrite that subdivision to read as follows:

“(a) A public agency shall not increase the minimum parking requirement that applies to a single family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the single-family residence to exceed any maximum size limit imposed by the applicable zoning regulations, including height, lot coverage, and floor-to-area ratio.”
 - b) Add language to clarify that the bill does not expand the ability of local agencies to impose parking restrictions on parcels that seek to build ADUs by adding the following language to the bill:

“(d) This section shall not be construed to allow a local agency to impose parking restrictions that are more restrictive than the requirements a local agency is authorized to impose under Section 65852.2, if the single-family residence is on the same lot as an accessory dwelling unit.”
- 7) **Arguments in Support.** None on file.
- 8) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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