

Date of Hearing: May 12, 2020

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 3153 (Robert Rivas) – As Introduced February 21, 2020

SUBJECT: Parking and zoning: parking credits.

SUMMARY: Allows development proponents to reduce, by up to 30%, the number of vehicle parking spaces they are required to provide for residential developments if they provide a minimum number of long-term bicycle parking spaces, car-sharing parking spaces, or both. Specifically, **this bill:**

- 1) Allows a development proponent for a development that dedicates at least two-thirds of the building square footage to residential use to submit an application for a parking credit.
- 2) Requires a city or county to grant a development proponent a parking credit that reduces the number of vehicle parking spaces required for the residential development in the following manner:
 - a) For every two nonrequired long-term bicycle parking spaces included in the development, the vehicle parking requirement shall be reduced by one space; and,
 - b) For every car-sharing parking space that is provided, the vehicle parking requirement shall be reduced by two spaces, provided that the development proponent:
 - i) Identifies the car-sharing spaces in the building plans; and,
 - ii) Submits a copy of the car-sharing agreement with the building permit.
- 3) Limits the maximum amount of vehicle parking spaces that can be reduced by a parking credit to 30% of the originally required vehicle parking spaces.
- 4) Provides that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts shall be made.

EXISTING LAW:

- 1) Allows a city or a 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) Authorizes the California Building Standards Commission (BSC) to approve and adopt building standards. Every three years, BSC undertakes building standards rulemaking to revise and update the California Building Standards Code (Title 24 of the California Code of

Regulations). These building codes serve as the basis for the design and construction of buildings in California.

- 4) Requires new non-residential buildings with tenant spaces that accommodate 10 or more “tenant-occupants” (e.g. employees) and additions to non-residential buildings that add tenant spaces that accommodate 10 or more tenant occupants to:
 - a) Provide at least one long-term bicycle parking facility (e.g. bicycle locker), or provide long-term bicycle parking facilities equivalent to at least 5% of the tenant vehicle parking spaces, whichever is greater; and,
 - b) Provide at least one short-term bicycle parking facility (e.g. anchored bicycle rack) capable of accommodating two bicycles, or provide short-term bicycle parking equivalent to no less than 5% of visitor vehicle parking spaces, whichever is greater.
- 5) Allows a city or county to make modifications to the California Building Standards Code if it makes express findings that such a modification or change is necessary because of local climatic, geological, or topographical conditions.

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

COMMENTS:

- 1) **Author’s Statement.** According to the author, “Bicycling is increasing in California due to an expanding network of bike lanes and greenways. However, there is a lack of bicycle parking for residential buildings. This situation strongly discourages bicycle owners and users from living in a residential building where bicycle parking is limited, regardless of whether there is a strong cycling network and adequate parking at their destinations. Residential buildings should have bike parking for their residents, as this encourages bicycle ownership and usage knowing that there is safe storage.

“Local government often places a minimum parking requirement on housing developers to construct a certain amount of parking per unit. With parking being a high-cost item in residential construction, developments must look into more affordable transportation options like a resident-only carshare service. Studies found those who are looking for affordable housing are less likely to own a vehicle, thereby creating underutilized parking spots. Those spots can be applied to carshare parking, which helps those residents that do not own cars, giving them better transportation options.

“By adding additional bike and carshare spaces, developers can decrease their amount of required car parking and explore other active, cleaner modes of transportation. Not everyone in a housing complex owns a motor vehicle; others commute using a bicycle, scooter, bus, or carpool. This bill supports the vision of a healthy California and enhances the State’s economy and livability. Long-term bike parking, when combined with carshare, play a key role in providing a safe, sustainable, integrated, and efficient transportation system.”

- 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 commercial and residential buildings. This same authority also provides cities and counties the ability to establish minimum bicycle parking requirements appropriate for their community.

- 3) **State Vehicle and Bicycle 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 do include requirements relative to the type of vehicle parking that must be provided. For example, the California Green Building Code (CALGreen) generally requires new residential and non-residential construction that includes vehicle parking to set aside 10% of vehicle parking spaces for electric vehicles. State and federal law additionally require cities and counties to ensure that vehicle parking spaces accessible to persons with disabilities are available.

CALGreen additionally establishes minimum long-term and short-term bicycle parking requirements for nonresidential buildings. CalGreen includes voluntary bicycle parking standards for residential buildings that locals may adopt, however, there are no state requirements for bicycle parking at residential developments. Finally, CalGreen establishes a regulatory definition of bicycle parking facilities that qualify as “long-term bicycle parking.”

- 4) **Local Ordinances.** While state law requires that certain types of vehicle parking spaces are available for specific developments, it does not establish a minimum number of vehicle or bicycle parking spaces that must be provided for residential buildings, leaving the matter to local discretion. In the absence of state requirements related to the number of vehicle parking spaces that must be provided, cities and counties may establish their own vehicle parking requirements. Additionally, several cities proactively adopted ordinances establishing bicycle parking standards.

Notably, the City of Los Angeles requires residential and commercial developments to provide specified levels of short-term and long-term bicycle parking for new residential and commercial developments. The city also allows developers to reduce the number of vehicle parking spaces they are required to include in a residential development if they provide additional long-term bicycle parking spaces on top of the minimum standard required. The City of Davis similarly established minimum bicycle parking standards that are indexed to factors related to the development, e.g., per bed for dormitories, per bedroom for apartments and condominiums, and by maximum occupancy for theatres, churches and libraries.

- 5) **Bill Summary.** This bill allows development proponents to reduce the total number of vehicle parking spaces they are required to provide at a residential development if they provide nonrequired long-term bicycle parking spaces, car-sharing spaces, or both.

Under this bill, a city or county must allow a development proponent of a residential building to reduce the number of vehicle parking spaces they are required to provide by one for every two long-term bicycle parking spaces they provide. Similarly, a city or county must allow a development proponent to reduce the number of vehicle parking spaces they are required to provide by two for every car-share parking space they provide. The total reduction in vehicle

parking spaces a development proponent can achieve under one or both of the vehicle parking reduction credits is capped at 30%.

This bill is sponsored by The California Bicycle Coalition.

6) **Policy Considerations.** The Committee may wish to consider the following:

- a) **Preemption of Local Ordinances.** This bill requires cities and counties to allow a developer to reduce one vehicle parking space for every two “nonrequired” long-term bicycle parking spaces they provide for a residential development. While the state building code establishes long-term bicycle parking requirements for nonresidential developments, long-term bicycle parking requirements for residential construction vary from jurisdiction to jurisdiction. For cities that adopted ordinances that required developers to provide a set number of long-term bicycle parking spaces, this bill would require developers to provide substantially more long-term bicycle parking spaces in order to enjoy the same vehicle parking reduction benefit.

For example, a residential development in the City of Davis may require a default long-term bicycle parking allocation of 20 spaces, while the same development in the City of Gilroy may not require any long-term bicycle parking spaces. Under this bill, a developer would only need to provide two long-term bicycle parking spaces in Gilroy in order to receive a single vehicle parking space reduction, while the same development would need to provide 22 long-term bicycle parking spaces in Davis in order to receive a single vehicle parking space reduction.

The Committee may wish to consider whether this bill as drafted would discourage cities from establishing minimum bicycle parking requirements. The Committee may also wish to consider if this bill disadvantages jurisdictions that proactively adopted bicycle parking standards compared to jurisdictions that do not have any bicycle parking standards.

- b) **Density Bonus Law.** To encourage the development of affordable housing, state law provides incentives for developers that commit to produce specified levels of affordable housing. State law allows affordable housing developers to meet a vehicle parking standard that is typically lower than what the local jurisdiction would otherwise require. This can serve as a substantial incentive to develop affordable housing units as it can measurably decrease the overall cost of the development. This bill would allow developers to reduce the number of vehicle parking spaces they are required to provide by including extra bicycle lockers instead of affordable housing units in the development. The Committee may wish to consider if this could potentially undercut demand for development of affordable housing units.
- c) **Urban and Rural Jurisdictions.** Long-term bicycle parking can reduce the demand for vehicle parking and by extension vehicle ownership, creating a net reduction in vehicle miles traveled and improving air quality. However, outside of urban cores where public transit, ridesharing, and car-sharing options are less available, car ownership, and therefore the need for vehicle parking spaces may persist even if long-term bicycle parking options are provided. The Committee may wish to consider if the provisions of this bill should be focused on urban areas with greater access to alternative forms of transportation.

- d) **Bicycle Parking Ratios.** This bill requires cities and counties to reduce one vehicle parking space for every two nonrequired long-term bicycle parking spaces the developer includes in the project. It is unclear that a ratio of two-to-one is appropriate. The City of Los Angeles, which established a policy nearly identical to the one proposed in this bill, requires developers to provide four long-term bicycle parking spaces for every single vehicle parking reduction granted. The Committee may wish to consider if the standard in the bill artificially limits the ability of a city or county to incentivize the development of bicycle parking spaces.
 - e) **Smaller Developments.** This bill allows a developer to reduce the total number of vehicle parking spaces by up to 30% of what would normally be required. For smaller developments, the impact of a 30% reduction in total vehicle parking spaces can be significant, particularly in cities and counties that have low default vehicle parking requirements. This could encourage cities to increase their minimum vehicle parking standards in order to ensure that appropriate vehicle parking is available for small developments. The Committee may wish to consider if vehicle parking reductions allowed under this bill should be the same for small developments.
 - f) **Car-Share.** This bill allows a developer to reduce two vehicle parking spaces for every car-share parking space provided. Car-share programs can encourage residents to forego car ownership, reducing demand for permanent vehicle parking spaces; however, there are not requirements in the bill to ensure the permanence of any car-sharing spaces provided. If a car-share company ceases operations at the development, the development is effectively left with fewer vehicle parking spaces without a compensatory benefit for the residents. The Committee may wish to consider establishing parameters on car-sharing parking spaces to ensure that the benefits are permanent.
 - g) **Definitions.** “Long-term bicycle parking” is not defined in this bill, which leaves the intent of the bill ambiguous. Additionally, the bill introduces and defines the term “residential development,” which is largely similar to the existing definition of “housing development project.” The Committee may wish to consider defining “long-term bicycle parking,” and aligning other terms in the bill with existing statutory definitions.
- 7) **Committee Amendments.** In order to address some of the policy considerations noted above, the Committee may wish to consider the following amendments:
- a) Allow cities and counties that establish minimum long-term bicycle parking requirements for residential developments to allow the vehicle parking space reduction calculation to include their required long-term bicycle parking space standard.
 - b) Replace the 30% vehicle parking reduction cap with vehicle parking reduction tiers that prioritize active transportation and affordable housing with the maximum reduction for each tier as follows:
 - i) 15% reduction for all developments located within one-half mile of a major transit stop;
 - ii) 15% reduction for all affordable housing projects eligible for a density bonus; and,

- iii) 30% reduction for all affordable housing projects eligible for a density bonus and within one-half mile of a major transit stop.
 - c) Specify that a vehicle parking reduction received under the provisions of this bill does not count as an incentive or concession for the purpose of density bonus law.
 - d) Allow cities and counties to establish a long-term bicycle parking to vehicle parking space reduction ratio of up to four long-term bicycle parking spaces for each vehicle parking space reduced.
 - e) Allow cities and counties to exempt developments that contain no more than 20 vehicle parking spaces from the provisions of the bill.
 - f) Require developers to guarantee that car-sharing parking spaces that are used to reduce vehicle parking requirements will be serviced by a car-sharing company for no less than five years after the certificate of occupancy is issued for the building.
 - g) Specify that nothing in this bill prohibits a city or county from adopting more generous standards than the minimum standards adopted in the bill.
 - h) Replace the term “residential development” with “housing development project” as defined in Section 65589.5 of the Government Code.
 - i) Define “long-term bicycle parking” in a way that reflects the existing CALGreen definition by defining long-term bicycle parking as the following types of bicycle parking facilities when they are conveniently accessible to residents of the housing development project:
 - i) Covered, lockable enclosures with permanently anchored racks for bicycles;
 - ii) Lockable bicycle rooms with permanently anchored racks;
 - iii) Lockable permanently anchored bicycle lockers; or
 - iv) Any long-term bicycle parking facility subsequently defined by the California Building Standards Commission.
- 8) **Arguments in Support.** The California Bicycle Coalition writes, “Providing incentives for developers to replace required car parking spaces with bicycle and car-sharing parking spaces will help to make housing more affordable and provide Californians, especially low-income families and households and seniors, a safe place to store their bikes and incentives not to drive their cars.

This bill helps California to meet many of its public goals. It supports affordable housing by reducing the cost of building housing. It supports public health by encouraging active transportation. It supports climate goals by providing alternatives to private automobiles. It supports social equity by reducing transportation costs for Californians.”

- 9) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Bicycle Coalition [SPONSOR]
Activesg, a Project of Community Partners
Bike East Bay
Bikeventura
California Yimby
Gilroy San Ysidro Nueva Vida
Los Angeles County Bicycle Coalition
Marin County Bicycle Coalition
Sacramento Area Bicycle Advocates
San Diego County Bicycle Coalition
Silicon Valley Bicycle Coalition
Sonoma County Bicycle Coalition
South Bay Yimby

Opposition

None on file

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