

Date of Hearing: April 27, 2011

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

AB 710 (Skinner) – As Amended: April 25, 2011

SUBJECT: Local planning: infill and transit-oriented development.

SUMMARY: Establishes minimum parking standards for new transit-oriented development. Specifically, this bill:

- 1) Prohibits a city, county, or city and county, including a charter city, from requiring a minimum parking standard greater than one parking space per thousand square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project, including changes of use that incorporate existing building improvements, in transit intensive areas.
- 2) Specifies that the minimum parking standards only apply if the proposed project and immediately adjoining properties are not designated for development or redevelopment at a floor area ratio below 0.75.
- 3) Allows jurisdictions to require higher minimum standards for new development if it makes written findings based upon substantial evidence in the record, including a parking utilization study completed within the last 24 months, that shows existing publicly available parking that includes all publicly owned on-street and off-street spaces and privately owned off-street spaces accessible to the general public, within one-quarter mile of the project site, but excluding any spaces on exclusively residential streets, have a peak occupancy that exceeds 85 percent at any point during the study period.
- 4) Defines "transit intensive area" as an area that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.
- 5) Cross-references an existing definition of major transit stop in Public Resources Code Section 21064.3, but specifies that it also includes major transit stops that are included in the applicable regional transportation plan.
- 6) Defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
- 7) Specifies that a project is considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.
- 8) Includes findings related to the need to reduce excessive minimum parking standards to support infill and transit-oriented development.

- 9) Includes within the definition of "sustainable communities" for purposes of the Strategic Growth Council those communities that incentivize infill development.

EXISTING LAW:

- 1) Defines "major transit stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (Public Resources Code Section 21064.3).
- 2) Establishes the Strategic Growth Council, consisting of the Director of State Planning and Research, the Secretary of the Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation and Housing, the Secretary of California Health and Human Services, and one member of the public to be appointed by the Governor (Public Resources Code Section 75121).
- 3) Requires the council, among other things, to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety (Public Resources Code Section 75125).

FISCAL EFFECT: Unknown

COMMENTS:

SB 375 (Steinberg, Chapter 728, Statutes of 2008) aims to help California achieve its greenhouse gas reduction objectives by promoting more efficient land use and development patterns. SB 375 lays out ambitious goals for the state, but it is widely acknowledged that achieving those goals will require policy changes at the state, regional, and local levels.

AB 710 addresses one impediment to achieving the goals of SB 375 by requiring low minimum parking requirements—one space per housing unit or one space per 1,000 square feet of commercial development—in transit-intensive areas that are slated for high-density development. According to the sponsor, the California Infill Builders Association, excessive minimum parking requirements can add significantly to the cost of projects in existing developed areas by 10 to 20 percent, making projects financially infeasible.

AB 710 allows a jurisdiction to impose higher minimum parking standards if a recent parking utilization study shows that existing parking spaces in the area around the proposed project site are already heavily utilized. Under existing law, cities and counties could require the project developer to pay the cost of preparing a parking study. Nothing in the bill precludes a jurisdiction from allowing additional parking in a transit-intensive area if the developer and the jurisdiction agree that additional parking makes sense for the project.

Arguments in Support

Supporters argue that AB 710 provides a significant incentive to housing and commercial developers to pursue needed infill and transit-oriented development projects. According to the

supporters, increases in public transportation options and the development of more walkable and bikeable neighborhoods reduce the demand for parking. Reducing minimum parking requirements for projects in developed areas, and allowing builders and the market to decide how much parking is needed, can ensure sufficient amounts of parking and can significantly reduce the cost of development and increase housing affordability.

Arguments in Opposition

Opponents argue that AB 710's one-size-fits-all approach impedes local discretion in land use decision-making and ignores the fact that every community is different and has different needs. Opponents feel that decisions about parking are best left to the discretion of local governments, who are in a much better position to determine how much parking their community requires.

Affordable Housing Concerns

Western Center on Law & Poverty (WCLP) and the California Rural Legal Assistance Foundation (CRLAF) have expressed concern that AB 710 may have serious unintended consequences for affordable housing, but have not taken a position on the bill and are working with the author to address their concerns. They point out that the bill may undercut provisions of the state's density bonus law, which provides incentives to developers of market-rate housing to include affordable units in their projects. The two organizations note that they have long been proponents of smart growth and improved access to public transit for their low-income clients, but believe that AB 710 addresses one part of the problem out of context with a whole host of other concerns, including environmental justice issues.

Double-Referred

This bill was also referred to the Local Government Committee, where it is scheduled to be heard on May 11, 2011, should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Infill Builders Association (sponsor)
A.G. Spanos Companies, Inc.
Civic Enterprise Development, LLC
Coddling Enterprises
Creative Housing Associates
Domus Development
JMA Ventures, LLC
Natural Resources Defense Council
Policy in Motion
Township Nine
TransForm

Opposition

City of Concord
City of Encinitas
City of Lakewood

