

TOWNSEND

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MEMO

To: City of Cupertino
Legislative Review Committee

From: Townsend Public Affairs, Inc.

Date: June 18, 2021

Subject: Consider adopting a position on AB 1401 (Friedman) Residential and commercial development: parking requirements

Bill Information

The official text of AB 1401 can be found [here](#)¹.

Summary

AB 1401 prohibits local governments from enforcing minimum parking requirements for developments located close to public transit.

Specifically, AB 1401 prohibits local governments from imposing or enforcing a minimum automobile parking requirement for residential, commercial, and other developments if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.

The bill provides that the prohibition on local governments enforcing minimum parking standards does not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development to provide electric vehicle parking spaces or parking spaces that are accessible to persons with disabilities that would otherwise have applied to the development.

Additionally, AB 1401 provides that when a development includes parking voluntarily, nothing in this bill prevents the local government from requiring the development to include spaces for car share vehicles as part of the parking.

Status

AB 1401 was approved on the Assembly Floor (51-17) on June 1st. The measure is currently in the Senate awaiting referral to committee.

Support

According to the author, "It seems that for years California has been trading housing for parking. We're in the midst of a housing crisis, desperately looking for a solution, and we need to consider

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1401

all options to reduce the overall cost of housing. There are plenty of communities in our state that have access to high-quality transit, or where cars are underutilized, that need housing far more than they need parking. Yet, many cities in California require new residential or commercial development to provide on-site parking spaces. Often, apartments must include one or two parking spots per unit, and commercial properties must provide one space for every 100-200 square feet (frequently causing more space to be provided for parking than for the business itself). These one-size-fits-all mandates are often imposed even in areas that are close to transit.

Mandatory parking requirements have led to an oversupply of parking spaces; Los Angeles County alone has 18.6 million parking spaces, or almost two for every resident. Experts believe that this policy encourages car dependence and discourages mass transit usage, increasing vehicle miles traveled. California needs to reduce vehicle miles traveled by 15 percent in order to meet its SB 32 climate goals, even in a scenario with full vehicle electrification. Mandatory parking requirements also worsen California's severe housing shortage by raising the cost of housing production. On average, a garage costs \$24,000-\$34,000 per space to build, a cost that is passed on to households regardless of whether they own a car. Additionally, on-site parking takes up space that could otherwise be used for additional apartment units. AB 1401 does not prohibit property owners from building on-site parking. Rather, it would give them the flexibility to decide how much on-site parking to provide, instead of requiring them to comply with a one-size-fits-all mandate."

Supporters of AB 1401 include: Abundant Housing LA, California YIMBY, Council of Infill Builders, SPUR, AARP, Bay Area Council, Bay Area Rapid Transit, Cal Asian Chamber of Commerce, California Downtown Assn, California Restaurant Assn, California Building Industry Assn, East Bay for Everyone, Habitat for Humanity, Natural Resources Defense Council, Related California, and YIMBY Action.

Opposition

Western Center on Law and Poverty raises concerns about the impact of this bill on density bonus law: "On behalf of our low-income clients, our organizations must regretfully oppose AB 1401 unless it is amended to incorporate the parking overrides on residential development into state Density Bonus Law. That law has long served as the mechanism for ensuring that statewide zoning overrides adequately capture the value they create and assist the state in meeting its housing affordability goals. We appreciate the importance of aligning our transportation, environmental, and land use policy to allow communities to take full advantage of public transit, rely less on greenhouse gas emitting cars, and provide greater opportunities for walking and biking. We also agree that excessive parking requirements must be addressed, as many larger cities in California have already done in recent years. However, we must balance these important policy objectives with the state's equally critical goal of increasing the availability of affordable housing. Moreover, as the state rewrites local planning and zoning rules in a way that creates financial benefits to developers of market-rate housing, we believe there must be a consistent state policy of capturing some of that value to produce a win-win by also increasing housing affordable to the lowest income households."

Opponents of AB 1401 include: California Cities for Local Control, California Contract Cities Assn, League of California Cities, Livable California, Ventura Council of Governments, Western Center on Law and Poverty, and the cities of Corona, Fountain Valley, and Pleasanton.

Recommended Action

Adopt an oppose position on AB 1401 and authorize the Mayor to send letters to the state legislature