
SENATE COMMITTEE ON HOUSING
Senator Nancy Skinner, Chair
2023 - 2024 Regular

Bill No: AB 2712 **Hearing Date:** 7/2/2024
Author: Friedman
Version: 6/24/2024 Amended
Urgency: No **Fiscal:** No
Consultant: Hank Brady

SUBJECT: Preferential parking privileges: transit-oriented development.

DIGEST: This bill prohibits the City of Los Angeles (City) from granting preferential parking permits to residents of new developments that are exempt from providing minimum on-site parking requirements.

ANALYSIS:

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) Establishes, pursuant to AB 2097 (Friedman, Chapter 459, Statutes of 2022) that a public agency shall not impose minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit.

This bill:

- 1) Defines “development project” as a residential development containing more than 20 units, a commercial development, or other development project exempt from minimum automobile parking requirements, as specified, or subject to

parking minimum reductions based on any applicable law, that is located within the boundaries of the City.

- 2) Prohibits the City from issuing preferential parking permits to tenants of a development project, except tenants that are residents of deed-restricted affordable units, as specified.
- 3) Requires the City to exclude development projects located within one-half mile of a major transit stop from the boundaries of a preferential parking area.

COMMENTS:

1) *Author's Statement.* "AB 2712 builds upon the successful groundwork laid by AB 2097. It refines parking policy further by diffusing opposition to development – including housing – over concerns of crowded street parking in areas affected by AB 2097's changes. Specifically, the bill will exclude developments above a certain size with a less-than-normally-required number of parking spaces from the boundaries of Los Angeles preferential parking districts unless "the issuance of the permit does not cause overcrowding in the preferential parking area for existing residents." By addressing concerns about removing parking minimums and generally increasing support for low-income housing development in Los Angeles, AB 2712 pioneers a new tool to fostering inclusive and resilient communities."

2) *Local authority to establish parking regulations.* 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 regulations and preferential parking.* Cities and counties generally establish requirements for a minimum amount of parking that developers must provide for a given facility or use, known as parking minimums or parking ratios. Local governments commonly index parking minimums 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, restaurant parking requirements may be linked to the total number of seats, and hotels may have parking spaces linked to the number of beds or rooms.

Cities and counties also have broad ability to impose parking restrictions in their jurisdictions. The Vehicle Code allows a city or county to adopt an ordinance or resolution that prohibits or restricts stopping, parking, or standing of vehicles on local streets and highways. The ordinance or resolution can include a designation of certain streets where preferential parking privileges are given to residents and merchants via issuance of a permit that exempts them from the parking limitations or prohibitions. A city or county can also grant preferential parking permits for members of organizations, professions, or other designated groups to park if it determines use of the permits will not adversely affect parking conditions for residents and merchants in the area.

- 4) *Eliminating local parking requirements.* There is a significant body of academic research regarding the potential impact minimum parking ratios have on car ownership, vehicle miles traveled (VMT), use of public transit, and transportation trends generally. However, while significant research exists, the impacts of parking ratios on VMT and car ownership are difficult to quantify due to the potential for residents to self-select and move to developments based on their existing circumstances or preferences. For example, a person that cannot afford, or wishes to forego, car ownership may choose to live in a development that does not include parking and is adjacent to transit. Conversely, an individual with little interest in transit may choose a development with ample parking spaces. This reality has made it difficult to prove whether increased parking standards induce more driving.

In a recent journal article, *What do Residential Lotteries Show us About Transportation Choices*, researchers from the University of California found that data from affordable housing lotteries in San Francisco provided a unique setting that effectively randomized housing assignments for housing lottery applicants. The research found that lottery applicants applied indiscriminately for available affordable units without respect to attributes such as the amount of off-street parking available for any particular unit. This created a setting that allowed researchers to analyze whether individuals essentially “assigned” a home with more or less parking influenced their propensity for car ownership and their driving frequency.

The study found “that a building’s parking ratio not only influences car ownership, vehicle travel and public transport use, but has a stronger effect than public transport accessibility. Buildings with at least one parking space per unit

(as required by zoning codes in most US cities, and in San Francisco until circa 2010) have more than twice the car ownership rate of buildings that have no parking.” Specifically, the study found, “In buildings with no on-site parking, only 38 percent of households own a car. In buildings with at least one parking space per unit, more than 81 percent of households own automobiles.”

- 5) *No parking!* AB 2097 prohibited local governments from requiring minimum levels of on-site parking for new developments located near transit stops. However, nothing in AB 2097 prevented local governments from issuing preferential parking permits (typically street parking permits) to tenants of these developments that are not subject to on-site parking requirements. While eliminating on-site parking requirements can disincentivize car ownership, providing preferential street parking can water down this effect. This bill limits the ability of the City to provide preferential parking permits to developments that are exempt from local on-site parking requirements pursuant to AB 2097.
- 6) *Opposition.* The Friends of Historic Miracle Mile and several other neighborhood associations raise concerns that the bill was amended in the Assembly to allow the City to issue parking permits to developments with less than 20 units and to issue parking permits to residents of deed-restricted units. Among other issues they are concerned that allowing the City to continue to issue some preferential parking permits will negatively impact existing residents that park on the street.
- 7) *Incoming!* This bill was heard in the Senate Local Government Committee on June 11, 2024 and received a vote of 4-2.

RELATED LEGISLATION:

AB 894 (Friedman, Chapter 749, Statutes of 2023) — required local agencies to allow developments to count underutilized and shared parking spaces toward a parking requirement imposed by the agency, under specified conditions.

AB 2097 (Friedman, Chapter 459, Statutes of 2022) — prohibited public agencies from imposing minimum automobile parking requirements on specified residential, commercial and other developments located within one-half mile of public transit.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 26, 2024.)

SUPPORT:

Planning and Conservation League
Westwood South of Santa Monica Blvd. Homeowners Association

OPPOSITION:

Beverly Grove Residents Association
Beverly Wilshire Homes Association
Carthay Circle Neighborhood Association
Friends of Historic Miracle Mile
Larchmont United
Miracle Mile Action
Miracle Mile Residential Association
Park LA Brea Impacted Residents Group
Save Beverly Fairfax
South Carthay Neighborhood Association
1 Individual

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