



# City of Culver City

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## Staff Report

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**File #:** 21-1003, **Version:** 1

**Item #:** A-6

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**CC - (1) Discussion and Consideration of a Support Position for AB 1401 (Friedman) - Residential and Commercial Development: Parking Requirements; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** May 24, 2021

**Contact Person/Dept:** Shelly Wolfberg/City Manager's Office  
**Phone Number:** (310) 253-6000

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐ **Action Item:** ☒ **Attachments:** ☒

**Commission Action Required:** Yes ☐ No ☒ **Date:**

**Public Notification:** (E-Mail) Assemblymember Laura Friedman's Office and Meetings and Agendas - City Council (05/20/2021).

**Department Approval:** John M. Nachbar (05/19/2021)

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### **RECOMMENDATION**

Staff recommends the City Council (1) discuss and consider a support position for AB 1401 for residential and commercial development: parking requirements; and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND**

At the May 10, 2021 City Council Meeting, Mayor Fisch received consensus to agendize a City Council item to consider supporting AB 1401 (Friedman) (Attachment 1) to be brought back for approval at a future City Council meeting. Assemblymember Friedman's staff has provided the Author's Fact Sheet. (Attachment 2)

### **About AB 1401**

#### *Current Law*

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term

general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element, and a conservation element. Existing law also permits variances to be granted from the parking requirements of a zoning ordinance for nonresidential development if the variance will be an incentive to the development and the variance will facilitate access to the development by patrons of public transit facilities.

### *AB 1401 - Amends the Law*

SECTION 1. Section 65863.3 is added to the Government Code, to read:

65863.3. (a) A local government shall not impose a minimum automobile parking requirement, or enforce a minimum automobile parking requirement, on residential, commercial, or other development if the parcel is located within one-half mile walking distance of public transit.

(b) When a project provides parking voluntarily, nothing in this section shall preclude a local government from imposing requirements on that voluntary parking to require spaces for car share vehicles.

(c) Subdivision (a) shall 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 have otherwise applied to the development if this section did not apply.

(d) For purposes of this section, “public transit” means either of the following:

- (1) A high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code. (Attachment 3)
- (2) A major transit stop as defined in Section 21064.3 of the Public Resources Code. (Attachment 4)

(e) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 2. No reimbursement is required by this act 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 act, within the meaning of Section 17556 of the Government Code.

As of April 27, 2021, several entities have taken positions on AB 1409, based on the bill's text dated April 19, 2021.

## **DISCUSSION**

The City Council is requested to discuss and consider whether it wants to support AB 1401 as it is currently written. The City's Legislative and Policy Platform (LPP) does not provide clear direction to

either support or oppose what is recommended in AB 1401. However, among other positions in the LPP, the LPP supports efforts to (1) protect and/or expand the City's authority and rights over its affairs; and (2) adopt reasonable environmental regulations aimed at enhancing air and water quality.

Staff requires City Council direction in order to take a position on AB 1401. If the City Council takes a position on this bill, staff will transmit the position letter to the bill's author and appropriate committee members. Staff will monitor any future amendments to AB 1401 to determine whether they are consistent with the City Council's direction to continue to submit position letters.

### **FISCAL ANALYSIS**

Discussion and direction regarding this matter does not create a fiscal impact to the City.

### **ATTACHMENTS**

1. 2021-05-24\_\_ATT\_\_AB 1401 (Friedman) Legislation
2. 2021-05-24\_\_ATT\_\_AB 1401 (Friedman) Fact Sheet
3. 2021-05-24\_\_ATT\_\_Public Resources Code, Section 21155
4. 2021-05-24\_\_ATT\_\_Public Resources Code, Section 21064.3

### **MOTION**

That the City Council:

1. Discuss and consider a support position for AB 1401; and
2. Provide direction to the City Manager as deemed appropriate.

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY APRIL 5, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## ASSEMBLY BILL

**No. 1401**

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**Introduced by Assembly Member Friedman**  
**(Coauthor: Assembly Member Lee)**  
(Coauthors: Senators Skinner and Wiener)

February 19, 2021

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An act to add Section 65863.3 to the Government Code, relating to land use.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1401, as amended, Friedman. Residential and commercial development: parking requirements.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. Existing law also permits variances to be granted from the parking requirements of a zoning ordinance for nonresidential development if the variance will be an incentive to the development and the variance will facilitate access to the development by patrons of public transit facilities.

This bill would prohibit a local government from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit, as defined. The bill would not

preclude a local government from imposing requirements when a project provides parking voluntarily to require spaces for car share vehicles. *The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle parking spaces or parking spaces that are accessible to persons with disabilities, as specified.*

By changing the duties of local planning officials, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65863.3 is added to the Government
- 2 Code, to read:
- 3 65863.3. (a) A local government shall not impose a minimum
- 4 automobile parking requirement, or enforce a minimum automobile
- 5 parking requirement, on residential, commercial, or other
- 6 development if the parcel is located within one-half mile walking
- 7 distance of public transit.
- 8 (b) When a project provides parking voluntarily, nothing in this
- 9 section shall preclude a local government from imposing
- 10 requirements on that voluntary parking to require spaces for car
- 11 share vehicles.
- 12 (c) *Subdivision (a) shall not reduce, eliminate, or preclude the*
- 13 *enforcement of any requirement imposed on a new multifamily*
- 14 *residential or nonresidential development to provide electric*
- 15 *vehicle parking spaces or parking spaces that are accessible to*
- 16 *persons with disabilities that would have otherwise applied to the*
- 17 *development if this section did not apply.*
- 18 (e)

1 (d) For purposes of this section, “public transit” means either  
2 of the following:

3 (1) A high-quality transit corridor as defined in subdivision (b)  
4 of Section 21155 of the Public Resources Code.

5 (2) A major transit stop as defined in Section 21064.3 of the  
6 Public Resources Code.

7 ~~(d)~~

8 (e) The Legislature finds and declares that this section addresses  
9 a matter of statewide concern rather than a municipal affair as that  
10 term is used in Section 5 of Article XI of the California  
11 Constitution. Therefore, this section applies to all cities, including  
12 charter cities.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 a local agency or school district has the authority to levy service  
16 charges, fees, or assessments sufficient to pay for the program or  
17 level of service mandated by this act, within the meaning of Section  
18 17556 of the Government Code.

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## **AB 1401 – Parking Requirements Reform**

### **Summary:**

AB 1401 would prohibit a local government from imposing or enforcing a minimum parking requirement on developments located near public transit. This measure would reduce car dependence, lower carbon emissions, and encourage more housing production near transit.

### **Background:**

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% 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.

In recent years, California has instituted some incremental reforms to parking mandates. AB 744 (2015) limits local parking requirements to 0.5 spaces per bedroom for housing near transit that uses the state density bonus program or is 100% affordable to lower-income households. Projects that are streamlined under SB 35 (2017) are exempt from parking requirements if

the project is near transit or within a historic district, and may not be required to provide more than one space per housing unit in all other areas. Additionally, San Diego and Oakland have eliminated parking minimums near transit, while San Francisco has eliminated them citywide.

However, these harmful parking mandates remain in place in most cities, requiring bolder action to address California's climate, transportation, and housing challenges. AB 1401 does not prohibit property owners from building on-site parking. Rather, it would give them the flexibility to decide on their own how much on-site parking to provide, instead of requiring them to comply with a one-size-fits-all mandate.

### **AB 1401 (as amended on April 19, 2021):**

- Prohibits a local government from imposing or enforcing a minimum parking requirement on residential, commercial, or other development if the project is within one-half mile walking distance of public transit (either a major transit stop or a location along a high-quality transit corridor); and
- Requires new multifamily or nonresidential projects to continue to provide electric vehicle parking spaces and parking spaces that are accessible to persons with disabilities.

### **Support:**

California YIMBY (co-sponsor)  
San Francisco Bay Area Planning and Urban Research Association (SPUR) (co-sponsor)  
Abundant Housing LA (co-sponsor)  
Council of Infill Builders (co-sponsor)

### **Contact:**

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Office of Assemblymember Laura Friedman  
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## State of California

### PUBLIC RESOURCES CODE

#### Section 21155

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21155. (a) This chapter applies only to a transit priority project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(b) For purposes of this chapter, a transit priority project shall (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a minimum net density of at least 20 dwelling units per acre; and (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be 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.

(Added by Stats. 2008, Ch. 728, Sec. 14. Effective January 1, 2009.)



**State of California**

**PUBLIC RESOURCES CODE**

**Section 21064.3**

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21064.3. “Major transit stop” means a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) 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.

(Amended by Stats. 2019, Ch. 631, Sec. 2. (AB 1560) Effective January 1, 2020.)