

CITY OF CONCORD
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 Concord, California 94519-2578
 FAX: (925) 798-0636

OFFICE OF THE MAYOR
 Telephone: (925) 671-3158



CITY COUNCIL
 Ronald E. Leone, Mayor
 William D. Shinn, Vice Mayor
 Timothy S. Grayson
 Daniel C. Helix
 Laura M. Hoffmeister

Thomas J. Wentling, City Treasurer
 Valerie Barone, Interim City Manager

June 22, 2012

Honorable Susan Bonilla
 Assemblywoman, 11th District
 2151 Salvio Street, Suite 395
 Concord, CA 94520

Dear Assemblywoman Bonilla:

I am writing to make you aware that the City of Concord opposes Assembly Bill No. 904 as originally introduced by Assembly Member Skinner on February 17, 2011 under AB 710 and subsequently amended in the State Assembly and Senate in 2012 under AB 904. The proposed legislation specifies that "*[t]his bill, commencing on January 1, 2014, would prohibit a city or county from requiring a minimum parking standard in transit-intensive areas, as defined, greater than one parking space per 1,000 square feet in nonresidential projects, one parking space per unit in residential projects, and specified portions, as applicable, of a parking space per unit for certain affordable housing projects, except as specified.*"

Such a one-size fits all answer will not be good for the State. Parking requirements, transit availability, and land use patterns vary widely in each community. Moreover, each community is different and has different needs; consequently, mandating a solution on a state-wide basis cannot possibly accommodate the variety of needs within each jurisdiction. Concord has fewer transit options than an urban city, such as San Francisco or Oakland, where door-to-door commuter trips can be made in a convenient and expeditious manner. Concord residents and visitors do not have access to an extensive bus network with strong connectivity and short service headways. Nor does the State, Contra Costa County, or the City have the financial capacity to create such a transit network in Concord. Consequently, the City needs to retain its ability to meet parking demand. AB 904's one-size fits all maximum parking solution is illogical and detrimental to the City of Concord.

Travel patterns for Contra Costa County residents have been surveyed and summarized in a study conducted by the Metropolitan Transportation Commission (MTC).⁽¹⁾ This study indicates that even for residents living within ½ mile of a rail station (which AB 904 would define as a "transit intensive area"), 66.8% of work trips and 68.6% of non-work trips are made by auto. While these auto use ratios are measurably lower than the

Assemblywoman Susan Bonilla
June 22, 2012
Page 2 of 3

85-90% reported for areas with limited transit access, residents with very high transit access still use the auto for about two-thirds of all trips.

Transit-oriented development (TOD) in the suburbs does not necessarily translate into a substantially lower auto ownership for residents. A recent parking survey conducted for an existing mixed-use residential project located within ½ mile of the downtown Concord BART station revealed a parking demand rate of 1.55 parking spaces per residential unit. Even though many residents of TOD projects use public transportation for commute trips, they continue to own automobiles for non-work related trips and recreational purposes and must have access to adequate parking within the project development. It is important for suburban cities such as Concord to have in place adequate parking requirements for infill and transit-oriented development to ensure a high quality of life for its residents and continued viability of these projects.

Additionally, the proposed one parking space per residential unit as proposed in AB 904 could threaten the economic development of the City of Concord by discouraging developers from building TOD projects in the area. If a developer doesn't think the market will "accept" this parking standard they will chose not to develop, rather than to develop a project that won't have a market. Similarly, commercial space built in the suburbs as part of a mixed-use residential project must provide adequate parking to ensure financial viability. Nearly all shopping trips in the City of Concord are made by auto as a result of the limited transit options in the area. The one space per 1,000 square feet of commercial space as specified in AB 904 would fall far short of the Institute of Transportation Engineers' (ITE) average peak period parking demand of 2.97 vehicles per 1,000 square feet on a typical Non-December Saturday.

Code Sections 65200(e) and (f) of the bill provides for a process whereby a city may require higher minimum parking standards for new development in a transit-intensive area other than those established by the bill, in the form of an ordinance. However, the process as described in Section 65200(e) of the bill is cumbersome, involves making a series of ambiguous findings, and is designed to make it very difficult to raise the minimum parking standards to appropriate levels beyond those established by the bill.

The City of Concord is working closely with CCTA through TRANSPAC on the preparation of sustainable communities strategies, as part of the MTC 2013 Regional Transportation Plan (RTP). We believe AB 904 is a counterproductive and untimely piece of legislation. It would not promote transit-oriented infill development as stated in the proposed legislation and is not a part of the policy initiatives under consideration to meet SB 375 greenhouse gas emissions targets for the Bay Area.

The City of Concord has and will continue to approve parking rate adjustments for development projects located in areas with a higher degree of transit access or in downtown areas with a greater potential for walking or bicycle trips. We are asking that the State not adopt AB 904. This will allow the City to continue its current practice of

Assemblywoman Susan Bonilla
June 22, 2012
Page 3 of 3

setting appropriate parking requirements for the community of Concord, responding to the unique needs of each project.

In closing, I urge you to oppose AB 904.

Very Truly Yours,



Ron Leone
Mayor

cc: Members of the City Council
Mary Rae Lehman, City Clerk
Joe Gonsalves & Sons, 925 L Street, Suite 250, Sacramento, CA 95814
Eric Figueroa, League of CA Cities, PO Box 901, San Leandro, CA 94577

- (1) Metropolitan Transportation Commission, *Characteristics of Rail and Ferry Station Area Residents in the San Francisco Bay Area: Evidence From the 2000 Bay Area Travel Survey*. September, 2006.

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June 22, 2012

Honorable Mark DeSaulnier
Senator
1350 Treat Blvd., Suite 240
Walnut Creek, CA 94597

Dear Senator DeSaulnier:

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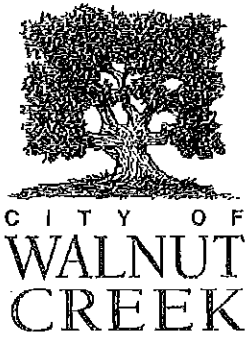
Very Truly Yours,



Ron Leone
Mayor

cc: Members of the City Council
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June 25, 2012

Assembly Member Nancy Skinner
 State Capitol, Room 4126
 Sacramento, CA 95814

via fax: (916) 319-2126

RE: Notice of Opposition: AB 904 (Skinner). Local planning: parking spaces: minimum requirements. (as amended June 12, 2012)

Dear Assembly Member Skinner:

The City of Walnut Creek is opposed to AB 904. As written, it represents another attempt by the State to substitute its judgment on a statewide basis for that of local decision makers and undermines thoughtful consideration of the many different local conditions that inform and influence local land use decisions.

Local governments must take into consideration and weigh numerous factors when determining parking requirements, including the availability of transit, the impact on nearby businesses and neighborhood residents, and the need for parking based upon the type of project being proposed. AB 904 would take away a local government's authority to determine parking needs for its community.

The City of Walnut Creek has already taken many steps towards right sizing its parking standards, as it already has adopted reduced parking requirements for projects within walking distance of the City's BART stations and for affordable housing projects that are built anywhere in the City. Additionally, the City has established a "park once and walk" policy in its downtown area by providing centralized parking garages, limiting on-site parking requirements through the use of in-lieu payments, and creating a standard parking requirement for all commercial uses that fits the needs and structure of our local community.

While we have two BART stations and a vibrant downtown that is served by a Free Trolley, most of the neighborhoods outside of our downtown are very low density single family home neighborhoods with auto-oriented neighborhood shopping centers. The very low density and the significant distance from the highway and the BART stations make these areas inaccessible to good public transit opportunities. While we do use the one parking space for 1,000 square feet of commercial use as the same standard for warehouse uses, that standard is four times below the demonstrated need for parking spaces in our neighborhood shopping centers. If this greatly reduced standard were to be mandated, it would force commercial parking into the nearby

residential neighborhoods. This would be an impact in addition to the impact of the reduced requirement of only one parking space per residential unit. We presently and appropriately require two covered spaces, except as indicated above. There is absolutely no way that four- and five-bedroom homes would need only one parking space!

Even if better transit were available, many homeowners still own more than one car and they will need a place to park those cars. However, if this law goes into effect, more cars would be parked on the residential streets in conjunction with those cars that are forced into the neighborhoods because inadequate commercial parking is being built. Wall to wall parked cars on residential streets can create safety concerns for sight distance at corners and driveways, degrade the character and look of the neighborhood, which lowers property values, and is contrary to economic development principals.

Moreover, the part of AB 904 that only allows for one parking spot per residential unit, no matter the number of bedrooms, is a standard for parking that is far below that allowed under Density Bonus Law. Under the Density Bonus Law, developers can provide affordable housing in exchange for lower parking requirements. These parking reductions, however, are appropriately based on the number of bedrooms: a one-bedroom unit is required to have no more than one parking spot, two or three bedrooms are required to have no more than two parking spots and bedrooms with four or more bedrooms are required to have no more than 2.5 parking spots.

AB 904 is inconsistent with existing state mandates, and it proposes to establish parking standards that have no rational basis, particularly when applied to communities like Walnut Creek. With the loss of redevelopment and the erosion of inclusionary housing ordinances, more should be done to encourage the development of affordable housing. Granting the lower parking requirements in AB 904 without any requirement that affordable housing be a part of the equation places the production of affordable housing at even greater risk.

For these reasons, the City of Walnut Creek opposes AB 904. If you have any questions about our position, you can reach me at 925-256-3504.

Sincerely,



Bob Simmons
Mayor

cc: Walnut Creek City Council
Ken Nordhoff, City Manager
Sandra Meyer, Community Development Director
Jeremy Lochirco, Transportation Planning
Kirstin Kolpitzke, League of California Cities (via fax: 916-658-8240)

Contra Costa Times editorial: Senate should slow poorly drafted bill on parking requirements

Contra Costa Times editorial

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Posted: 07/02/2012 01:20:33 PM PDT

Updated: 07/02/2012 03:56:02 PM PDT

Trying to encourage infill development around transit stations, Assemblywoman Nancy Skinner is fast-tracking legislation that could end up discouraging the very projects she seeks to promote.

Skinner, D-Berkeley, proposes uniform parking-space requirements for infill construction across the state, saying that would hold down costs and encourage development.

While her desire to encourage infill construction is laudable and she seems to have put some thought into the legislation, the substance of her bill is an unworkable state intrusion into local control, and her short-circuiting of the legislative hearing process is unacceptable.

This poorly drafted legislation, AB904, strikes us as an overly restrictive, one-size-fits-all solution that fails to allow for community differences. For example, one parking space would be required for each residential unit, regardless of size. And for



Assembly Bill 904 authored by Assemblywoman Nancy Skinner

None of that makes sense. While the one-space-per-unit minimum might work in urban settings where there is shopping within walking distance, it would probably be inadequate for infill near suburban transit stations, especially for residents of two- and three-bedroom units. And why would low-income units require only one parking space for every two units?

Most important, why would a community want to support infill development if it had to accept more parking congestion on its

Advertisement

streets? Skinner says the bill provides alternatives that allow local communities to opt out, but we find those confusing provisions invitations for prolonged litigation.

Skinner's bill also claims that developers could, and would, provide more parking if customers demanded it. In fact, by the time off-street parking proves inadequate, developers would be gone. Local communities would be stuck with the congestion.

Skinner is also short-circuiting the legislative review process. Her earlier version of the bill passed the Assembly last year but failed in the Senate. This year, the Assembly passed AB904, a

Skinner bill that at the time covered a completely different issue. When it reached the Senate, it was gutted and replaced with the old parking bill.

If it passes the Senate, it will be returned to the Assembly, but by then it will be too late for careful committee review before a full lower-house vote.

It's the sort of bad policymaking for which Sacramento is infamous.



Cars parked at condos

Cars are parked at a condominium located at Walker Avenue in Walnut Creek, Calif. (Steve Dempsey/Staff)

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN SENATE JUNE 12, 2012

AMENDED IN ASSEMBLY JANUARY 11, 2012

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011-12 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member Skinner
(Coauthor: Senator Berryhill)

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Skinner. Local government: parking spaces: minimum requirements.

The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

AB 904

— 2 —

This bill, commencing on January 1, 2014, would prohibit a city or county from requiring a minimum *number of off-street parking standard spaces* in transit-intensive areas, as defined, greater than ~~one~~ 2 parking ~~space~~ spaces per 1,000 square feet in nonresidential projects *of 20,000 square feet or less on a single property*, one parking space per unit in *non-income-restricted* residential projects, and specified portions, as applicable, of a parking space per unit for certain affordable housing projects, except as specified. The bill would also make a statement of legislative findings regarding the application of its provisions to charter cities.

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

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

- 1 SECTION 1. This act shall be known and may be cited as the
2 Sustainable *Minimum Parking Standards Requirements Act* of
3 2012.
- 4 SEC. 2. (a) The Legislature finds and declares all of the
5 following:
- 6 (1) The state, cities, and counties have invested billions of dollars
7 in transit infrastructure. Land use policies that reduce the cost and
8 complexity of transit-oriented development help ensure a return
9 on that investment.
- 10 (2) Consistent with Senate Bill 375 and Assembly Bill 32, it is
11 state policy to promote transit-oriented infill development.
- 12 (3) Existing *minimum off-street* parking requirements throughout
13 the state are based on low-density and segregated single land uses.
- 14 (4) Parking is costly to build and maintain and can substantially
15 increase the cost of constructing and operating infill projects.
- 16 (5) The high cost of the land and improvements required to
17 provide parking significantly increases the cost of transit-oriented
18 development, making lower cost and affordable housing
19 development financially infeasible and hindering economic
20 development strategies.
- 21 (6) Increasing public transportation options and developing
22 more walkable and bikeable neighborhoods reduce the demand
23 for parking.
- 24 (7) Excessive governmental parking requirements for infill and
25 transit-oriented development reduce the viability of transit

1 development by limiting the number of households and workers
 2 near transit, increasing walking distances, and degrading the
 3 pedestrian environment.

4 (8) Reducing excessive minimum parking requirements for infill
 5 and transit-oriented development and allowing builders and the
 6 market to decide how much parking is needed—~~can~~ may do all of
 7 the following:

8 (A) Ensure sufficient but not excessive amounts of parking are
 9 provided.

10 (B) ~~Significantly reduce~~ Reduce the cost of development and
 11 increase the number of transit-accessible and affordable housing
 12 units.

13 (C) Increase density in areas with the most housing demand,
 14 and improve the viability of developing alternate modes of
 15 transportation, such as public transit, ridesharing, biking, and
 16 walking.

17 (D) Reduce green house gas emissions and vehicle miles traveled
 18 by removing an incentive to drive.

19 (b) It is the intent of the Legislature to reduce unnecessary
 20 government regulation and to reduce the cost of development by
 21 eliminating excessive minimum parking requirements for infill
 22 and transit-oriented development.

23 (c) The Legislature further finds and declares that the need to
 24 address infill development and excessive parking requirements is
 25 a matter of statewide concern and is not a municipal affair, as that
 26 term is used in Section 5 of Article XI of the California
 27 Constitution. Therefore, this act shall apply to all cities, including
 28 charter cities.

29 SEC. 3. Article 2 (commencing with Section 65200) is added
 30 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
 31 read:

32
 33 Article 2. Sustainable *Minimum Parking Standards*
 34 *Requirements Act of 2012*
 35

36 65200. (a) Commencing on January 1, 2014, in
 37 transit-intensive areas, a city, county, or city and county, including
 38 a charter city, shall not require projects to provide a minimum
 39 number of *off-street* parking spaces greater than *the following*:

1 (1) ~~One-Two parking-space spaces~~ per thousand square feet of
 2 ~~commercial, industrial, institutional, or other nonresidential projects~~
 3 ~~of 20,000 square feet or less on a single property.~~

4 (2) One parking space per unit for non-income-restricted
 5 residential projects.

6 (3) ~~Seventy-five one hundredths~~ *Three-quarters* parking spaces
 7 per unit for projects that include both income-restricted and
 8 non-income-restricted units, and which meet the standards in
 9 subdivision (b) of Section 65915.

10 (4) ~~Five-tenths~~ *One-half* parking spaces per unit for units that
 11 are restricted by a recorded covenant or a deed that lasts at least
 12 55 years to rents or prices affordable to persons and families
 13 making less than 60 percent of *the* area median income.

14 (b) This section shall not be construed as setting a maximum
 15 number of spaces a project may provide.

16 (c) *This section shall not be construed to limit any local agency's*
 17 *authority to regulate parking impacts from development through*
 18 *exactions, fees, conditions of approval, or other valid exercise of*
 19 *its police power beyond the specific limitations provided in*
 20 *subdivision (a).*

21 (e)

22 (d) This section shall not apply to any property that meets any
 23 of the following criteria:

24 (1) The property and immediately adjoining properties are
 25 restricted to development or redevelopment at a floor area ratio of
 26 below 0.75.

27 (2) The property includes a parcel or parcels whose dwelling
 28 units are subject to a recorded covenant, ordinance, or law that
 29 restricts rents to levels affordable to persons and families of ~~low-~~
 30 ~~or moderate-income~~ *low or moderate income*, or are subject to
 31 other forms of rent or price control imposed through a public
 32 entity's valid exercise of its police power, that will be destroyed
 33 or removed, unless any proposed development on the property is
 34 to include an equal number of bedrooms that shall be made
 35 available at affordable housing costs to, and will be occupied by,
 36 persons and families in the same or lower income category
 37 (extremely low, very low, or low) in the same proportion as the
 38 units occupied or last occupied by extremely low, very low, or
 39 low-income households in the property. Rental replacement units
 40 provided pursuant to this paragraph shall be made available at

1 affordable housing costs for at least 55 years, or at the remaining
2 term of the existing recorded covenants or deed restrictions that
3 require maintenance of affordable housing costs, which are
4 consistent with the parties meeting their contractual obligations.
5 Ownership replacement units provided pursuant to this paragraph
6 shall be made available at affordable housing costs for at least 45
7 years.

8 (3) The property includes a parcel where the owner withdrew
9 residential rental units pursuant to Chapter 12.75 (commencing
10 with Section 7060) of Division 7 of Title 1, from rental or lease,
11 or offering for rental or lease, pursuant to paragraph (2) of
12 subdivision (a) of Section 7060.2.

13 (4) *The property includes a parcel or parcels subject to a*
14 *specific plan, station area plan, zoning ordinance, or other form*
15 *of local land-use control that provides for minimum off-street*
16 *parking requirements for residential, commercial, and mixed-use*
17 *new construction and reuse projects that are lower than the*
18 *minimum off-street parking requirements in the same jurisdiction*
19 *for the same uses outside the transit-intensive area.*

20 (d)

21 (e) For purposes of this section, "transit-intensive area" means
22 an area that is within one-half mile of a major transit stop or within
23 one-quarter mile of the center line of a high-quality transit corridor
24 ~~included in a regional transportation plan.~~ A major transit stop is
25 as defined in Section 21064.3 of the Public Resources Code, ~~except~~
26 ~~that, for purposes of this section, it also includes major transit stops~~
27 ~~that are included in the applicable regional transportation plan.~~
28 For purposes of this section, a high-quality transit corridor means
29 a corridor with a fixed route bus service with service intervals no
30 longer than 15 minutes during peak commute hours. A property
31 shall be considered to be within one-half mile of a major transit
32 stop or within one-quarter mile of the center line of a high-quality
33 transit corridor if all parcels within the property together have no
34 more than 25 percent of their area farther than one-half mile from
35 the stop or within one-quarter mile of the center line of a corridor,
36 and if not more than 10 percent of the residential units or 100 units,
37 whichever is less, in any proposed project are farther than one-half
38 mile from the stop or within one-quarter mile of the center line of
39 a corridor.

40 (e)

1 (f) Consistent with subdivision ~~(f)~~ (g), a city, county, or city
 2 and county, including a charter city, ~~may require higher minimum~~
 3 ~~parking standards for new development in a transit-intensive area~~
 4 ~~other than those established pursuant to subdivision (a) that is~~
 5 ~~otherwise subject to this section, shall not be required to apply~~
 6 ~~the minimum off-street parking requirements in subdivision (a) in~~
 7 ~~a transit-intensive area in place of those set forth in its zoning~~
 8 ~~code if it makes at least one of the following written findings,~~
 9 specific to that transit-intensive area, based upon objective criteria
 10 and ~~substantial~~ evidence in the record that:

11 (1) The transit-intensive area ~~in question~~ does not currently have
 12 or cannot reasonably expect to have sufficient walkability, ~~as~~
 13 ~~defined by proximity to services such as grocery stores or other~~
 14 ~~neighborhood amenities within one-half mile of the~~
 15 ~~transit-intensive area to justify reduced off-street parking~~
 16 ~~requirements.~~

17 (2) The transit-intensive area ~~in question~~ does not currently have
 18 or cannot reasonably expect to have a sufficient level of transit
 19 service or bike access to provide for viable alternatives to the car
 20 ~~for a significant proportion of the trips generated by new~~
 21 ~~development.~~

22 (3) ~~The parking standards minimum parking requirements set~~
 23 ~~forth in this act would undermine existing parking standards that~~
 24 ~~create effective incentives for transit-oriented development or~~
 25 ~~affordable housing production, or both reduce the number of~~
 26 ~~low-income housing units produced in that transit-intensive area~~
 27 ~~through density bonus programs such as the program set forth in~~
 28 ~~Sections 65915 to 65918, inclusive.~~

29 (4) ~~The parking standards set forth in this section conflict with~~
 30 ~~a plan that is specific to a station area and is in effect as of January~~
 31 ~~1, 2013, that includes a major transit stop and provides for reduced~~
 32 ~~off-street automobile parking requirements in comparison to the~~
 33 ~~standard zoning requirements in the same jurisdiction outside the~~
 34 ~~transit-intensive area.~~

35 (4) *The transit-intensive area in question will be adversely*
 36 *affected by a reduction in minimum off-street parking requirements.*

37 ~~(f)~~

38 (g) Any action by a city, county, or city and county, including
 39 a charter city, ~~to increase parking requirements in a transit-intensive~~
 40 ~~area pursuant to subdivision (e) pursuant to subdivision (f) to~~

1 *exempt transit-intensive areas from the minimum parking*
2 *requirements set forth in subdivision (a) and maintain the minimum*
3 *parking requirements set forth in its local code shall be in the form*
4 *of an ordinance that complies with a local zone, plan, or other*
5 *generally applicable development standard within that transit area*
6 *a resolution adopted by the legislative body of a city, county, or*
7 *city and county. Development projects whose applications the city*
8 *or county has deemed complete after January 1, 2014, but before*
9 *the adoption of any increased minimum parking requirements*
10 *made pursuant to this subdivision, shall not be subject to those*
11 *increased minimum parking requirements.*

12 ~~(g) A city, county, or city and county that has adopted an~~
13 ~~ordinance pursuant to subdivisions (c) and (f) may repeal that~~
14 ~~ordinance at any time without any requirement for new findings~~
15 ~~or analysis.~~

16 *(h) Multiple transit-intensive areas may be exempted from the*
17 *requirements of subdivision (a) by a single resolution, provided*
18 *that the resolution includes at least one of the findings set forth in*
19 *subdivision (f) applied to each transit-intensive area to be*
20 *exempted.*

21 ~~(h)~~

22 *(i) (1) Before January 1, 2014, a city, county, or city and county*
23 *may evaluate and approve projects pursuant to the parking*
24 *standards minimum parking requirements under this section.*

25 *(2) After January 1, 2014, but before the adoption of a resolution*
26 *pursuant to subdivision (g), development projects shall not be*
27 *subject to minimum off-street parking requirements higher than*
28 *those set forth in subdivision (a).*

29 *(j) This section shall not apply to any city, county, or city and*
30 *county that has no transit-intensive areas within its jurisdiction.*