

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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