

AMENDED IN SENATE MARCH 21, 2022

SENATE BILL

No. 1067

Introduced by Senator Portantino

February 15, 2022

An act to add Section 65863.14 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, Portantino. Housing development projects: automobile 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 housing element. Existing law also authorizes the legislative body of a city or a county to adopt ordinances establishing requirements for parking.

This bill would prohibit ~~a city with a population greater than 200,000 city, county, or city and county~~ from imposing any minimum automobile parking requirement on a housing development project that is located within $\frac{1}{2}$ mile of public transit, as defined, and that either (1) dedicates ~~75%~~ 25% of the total units to ~~low- and very low income~~ *very low, low-, and moderate-income* households, *students*, the elderly, or persons with disabilities or (2) the developer demonstrates ~~to the local agency~~ that the development would not have a negative impact on the ~~local agency's~~ *city's, county's, or city and county's* ability to meet specified housing needs and would not have a negative impact on ~~traffic circulation or~~ existing residential or commercial parking within $\frac{1}{2}$ mile of the project. 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~~, *cities and counties*, including charter ~~cities~~: *cities and counties*.

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 65863.14 is added to the Government
2 Code, immediately following Section 65863.13, to read:

3 65863.14. (a) ~~A city with a population greater than 200,000~~
4 *city, county, or city and county* shall not impose or enforce any
5 minimum automobile parking requirement on a housing
6 development project that meets all of the following requirements:

7 (1) The development is located within one-half mile of public
8 transit.

9 (2) The development satisfies either of the following:

10 (A) The development dedicates a minimum of ~~75~~ 25 percent of
11 the total number of housing units to ~~low- and very low income-~~
12 *very low, low-, and moderate-income* households, *students*, the
13 elderly, or persons with disabilities.

14 (B) The developer demonstrates to the ~~city~~ *city, county, or city*
15 *and county* that the development would not have a negative impact
16 on any of the following:

17 (i) ~~The city's~~ *city's, county's, or city and county's* ability to
18 meet its share of the regional housing need in accordance with
19 Section 65584 for low- and very low income households.

20 (ii) ~~The city's~~ *city's, county's, or city and county's* ability to
21 meet any special housing needs for the elderly or persons with
22 disabilities identified in the analysis required pursuant to paragraph
23 (7) of subdivision (a) of Section 65583.

24 (iii) ~~Traffic circulation or existing~~ *Existing* residential or
25 commercial parking within one-half mile of the housing
26 development project.

1 (b) For purposes of this section:

2 (1) “Housing development project” means a housing
3 development project as defined in paragraph (2) of subdivision (h)
4 of Section 65589.5.

5 (2) “Low- and very low income households” means the same
6 as “lower income households” as defined in Section 50079.5 of
7 the Health and Safety Code.

8 (3) “*Moderate-income households*” means the same as “*persons*
9 *and families of moderate income,*” as defined in Section 50093 of
10 *the Health and Safety Code.*

11 ~~(3)~~
12 (4) “Public transit” means a major transit stop as defined in
13 Section 21064.3 of the Public Resources Code, except that it also
14 includes a major transit stop that is included in an applicable
15 regional transportation plan.

16 SEC. 2. The Legislature finds and declares that Section 1 of
17 this act adding Section 65863.14 to the Government Code ~~address~~
18 *addresses* a matter of statewide concern rather than a municipal
19 affair as that term is used in Section 5 of Article XI of the
20 California Constitution. Therefore, Section 1 of this act applies to
21 ~~all cities, cities and counties,~~ including charter ~~cities, cities and~~
22 *counties.*

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

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