

# **APPENDIX E**

---

## Parking Laws Update May 2024 Version

**Appendix E – Parking Laws Update** details parking-related legislation enacted since the release of the [Parking Policy Playbook](#) that should be considered in conjunction with the Playbook policies. Currently, this Appendix reflects laws effective as of May 2024 within California state law (but not federal or local). These laws are subject to change.

California Statutory Provision	Summary of Law	Playbook Policies Impacted
Civil Code Section 1947.1	<b>Residential rental properties with 16 or more units</b> for which a certificate of occupancy was issued <b>after January 1, 2025 and located in any of ten specified counties must “unbundle” parking from rent.</b> Unbundling parking means that the parking will be leased under a separate contract, and the cost of parking will not be included in the price of rent. Tenants have the right of first refusal for parking spaces; spaces that are not claimed by the tenants can be leased to other on-site users or off-site residential uses on a month-to-month basis. Failure of the tenant to pay the fee associated with parking may not constitute the basis for an unlawful detainer action, but the owner may revoke the tenant’s right to the parking if the associated fees remained unpaid for 45 days after the date on which they were due. The requirements do not apply to 100 percent affordable housing projects or to townhouses and row houses. <b>Local agencies are not required to enforce this legislation and in ABAG-MTC’s jurisdiction, only Alameda and Santa Clara Counties are subject to this requirement.</b>	6
Government Code Sections 54030-54038	<b>Local agencies can acquire property for off-street vehicle parking and charge and collect a reasonable fee for the off-street parking of vehicles.</b>	8, 9
Government Code Section 65088-65089.10	To address congestion management, <b>counties that include an urbanized area must adopt and develop congestion management programs</b> pursuant to Government Code Sections 65088-65089.10 (some counties are exempt from the congestion management program). The program includes elements such as traffic level of service standards, evaluation of current and future multimodal system performance for the movement of people and goods, a travel demand element that promotes alternative transportation methods, an analysis of the impacts of local land use decisions to the transportation system, and a seven-year capital improvement program. <b>One example of an alternative transportation method is a parking cash out program.</b> Through the parking cash out program, employers would provide employees a cash allowance equivalent to the parking subsidy that the employer would pay if the employee parked for work. At the request of the <u>existing</u> commercial development that uses a parking cash-out program, <b>the city or county, as applicable must grant a reduction in parking requirements.</b> The spaces no longer needed can be used for other purposes.	1, 12
Government Code Section 65470	<b>If a city or county adopts an ordinance and forms an infrastructure financing district</b> to participate in the Transit Priority Project Program described in Government Code Section 65470, <b>participating development projects must comply with several requirements, including providing unbundled parking.</b> For purposes of this program, “unbundled parking” means either renting a parking space for the residential units separately from the residential units or paying a fee to the appropriate local transit management fund to cover one-half of the cost to provide a parking space.	6, 12
Government Code Section 65589.9	<b>Jurisdictions that are compliant with housing element requirements and that have adopted "prohousing" local policies can apply to be designated as a prohousing jurisdiction</b> by the California Department of Housing and Community Development. A prohousing jurisdiction will receive additional points or preference in certain state competitive housing and infrastructure financing programs. One example of a prohousing local policy is a policy <b>to impose reduced parking requirements for sites that are zoned for residential development.</b>	1, 3, 4

**Association of Bay Area Governments & Metropolitan Transportation Commission  
Parking Policy Playbook: Appendix E**

Government Code Section 65654	Pursuant to Government Code Section 65650 et seq., in zones where multifamily and mixed uses are permitted, supportive housing developments (as defined in Health and Safety Code Section 50675.14) that meet certain requirements must be permitted as a use by right. <b>If a supportive housing development is within 0.5 miles of a public transit stop, a local agency cannot impose any minimum parking requirements for the supportive housing units.</b>	1, 3, 4
Government Code Sections 65852.21; 66411.7	<b>A local agency can only require one off-street parking space per unit</b> on lots subdivided under Government Code Section 66411.7 <b>and/or in a residential project that includes no more than 2 dwelling units in a single-family residential zone</b> and that is submitted for ministerial review pursuant to Government Code section 65852.21. However, <b>parking cannot be required by the local agency if the project is located within one block of a car share vehicle or if the project is located within 0.5 miles walking distance from a high-quality transit corridor (Public Resources Code Section 21155(b)) or a major transit stop (Public Resources Code Section 21064.3).</b>	1, 4
Government Code Sections 65852.28; 66499.40 et seq.	For a housing development on a site that was subdivided under Government Code Section 66499.41 (a small home lot development), a local agency cannot require that parking be enclosed or covered. <b>A local agency can only require one off-street parking space per unit. However, parking cannot be required for this type of project if the project is located within one block of a car share vehicle or if the project is located within 0.5 miles walking distance from a high-quality transit corridor (Public Resources Code Section 21155(b)) or a major transit stop (Public Resources Code Section 21064.3).</b>	1, 4
Government Code Section 65863.1	<b>When at least 20 percent of a development’s parking spaces are not occupied</b> during the period in which shared parking is proposed, <b>the owner may propose entering into a shared parking agreement to share parking with another entity. The local agency cannot require any preexisting deficit of the number of parking spaces be cured as a condition for approval of the shared parking agreement.</b> If the underutilized parking is not used by the receiving parcel to meet the local agency’s parking requirements, the local agency must accept the shared parking agreement. If the underutilized parking is being used by the receiving parcel to meet the local agency’s parking requirements, the parcels sharing the parking must be on the same or contiguous parcels, separated by no more than 2,000 feet of travel by the shortest walking route or there must be a plan for shuttles or other means to move people between the parking lot and the serviced site. The local agency must approve the shared parking agreement if the agreement includes a parking analysis using peer-reviewed methodologies developed by a professional planning association and the agreement either secures the long-term provision of parking or allows periodic review and approval by the local agency. If the shared parking agreement does not include a professional planning association study, the local agency must decide whether to approve or deny the shared parking agreement. Prior to acting on a shared parking agreement, if the parties to the shared parking agreement include developments of at least 10 residential units or at least 18,000 square feet, the local agency must notify all property owners within 300 feet of the proposed shared parking agreement and, if a request for a meeting is received within 14 days, hold a public meeting.	5
Government Code Section 65863.2	<b>A local agency cannot impose or enforce minimum parking requirements for residential, commercial, or other development projects (excluding transient lodging other than residential hotels) located within 0.5 miles of public transit (as defined in Public Resources Code Section 21155) unless, within 30 days of the receipt of a completed application, the local agency makes written findings supported by a preponderance of the evidence that this reduction in parking would have a substantially negative impact on the locality's ability to meet its RHNA for low- and very low-income households; on the locality's ability to meet special</b>	1, 4

**Association of Bay Area Governments & Metropolitan Transportation Commission  
Parking Policy Playbook: Appendix E**

	housing needs for elderly or persons with disabilities; or on existing residential or commercial parking within one-half mile of the housing development project. This exception allowing the local agency to impose or enforce minimum parking requirements does not apply if the project is a housing development that either dedicates at least 20 percent of the units to very low-, low-, or moderate-income households, students, elderly, or persons with disabilities; the development contains less than 20 residential units; or the development is subject to parking reductions under another applicable law. This section does not eliminate any requirement to provide electric vehicle supply equipment installed parking spaces or accessible parking spaces for persons with disabilities as otherwise required for multifamily residential or non-residential development within 0.5 miles of public transit.	
Government Code Section 65863.3	If a project to remodel, renovate, or expand a single-family home does not cause the single-family home to exceed the applicable maximum size limit, <b>the local agency cannot increase a single-family home's minimum parking requirement as a condition of approval to remodel, renovate, or add to the single-family home.</b>	1
Government Code Section 65906.5	Government Code Section 65906 provides that a variance from zoning ordinance requirements shall be granted when the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification because of special circumstances applicable to the property, including size, shape, topography, location or surroundings. However, notwithstanding Section 65906, pursuant to Government Code Section 65906.5, <b>a variance may be granted from the parking requirements of a zoning ordinance for nonresidential developments if such a variance will benefit the nonresidential development and the variance will facilitate access to the nonresidential development by patrons of public transit facilities;</b> the parking can alternatively be provided off site or in-lieu fees or facilities can be provided instead of parking.	7
Government Code Section 65913.4	<b>For multifamily residential projects submitted for ministerial review and approved under Government Code Section 65913.4, the local agency can only impose a parking requirement of one parking space per unit.</b> The local agency cannot impose parking requirements if the project is within 0.5 miles of public transit, within an architecturally and historically significant historic district, when on-street parking permits are required but not offered to occupants of the development, or when there is a car share vehicle located within one block of the development.	1, 3, 4
Government Code Section 65913.12	<b>A local agency may not require additional parking be added for an extremely affordable adaptive reuse housing development project</b> proposed and approved under Government Code Section 65913.12. This project must be a multifamily development within a repurposed residential or commercial building and the project must be entirely within the envelope of the existing building. The units may be rental or for sale and must either be 100% affordable to lower income households (affordable housing cost as defined in Health and Safety Code Section 50052.5 and affordable rent as defined by the California Tax Credit Allocation Committee) or 50% affordable to very low-income households.	1
Government Code Section 65913.16	<b>If a religious institution affiliated housing development project</b> proposed and approved under Government Code Section 65913.16 <b>reduces or destroys required spaces for a place of worship, the local agency cannot require the replacement of the parking.</b> Only 50% of available spaces or, for new places of worship, 50% of required spaces can be eliminated for the new housing development under this provision. The proposed housing development must provide off-street parking of up to one space per unit, unless a state law or local ordinance provides for less parking, in which case that standard shall apply. <b>However, a parking requirement may not be imposed if the parcel is located</b>	1, 4

**Association of Bay Area Governments & Metropolitan Transportation Commission  
Parking Policy Playbook: Appendix E**

	<p><b>within one-half mile walking distance of a high-quality transit corridor</b> (Public Resources Code Section 21155(b)) <b>or a major transit stop</b> (Public Resources Code Section 21064.3), <b>or there is a car share vehicle located within one block of the parcel.</b> This section does not eliminate any applicable requirement to provide electric vehicle supply equipment installed parking spaces or accessible parking spaces for persons with disabilities. <b>The local agency cannot require any preexisting deficit of the number of parking spaces be cured as a condition for approval for the new housing development.</b></p>	
<p>Government Code Section 65915</p>	<p>Under Government Code Section 65915, a development applicant can seek certain benefits, such as an increase in density, incentives, waivers of development standards, and a reduction in parking ratios, in exchange for a specified amount of affordable housing or the donation of land. <b>Projects that qualify under Government Code Section 65915 for a density bonus can request a parking ratio of one onsite space for units with one bedroom or less; one and one-half parking spaces for units with two or three bedrooms; and two and one-half parking spaces for units with four or more bedrooms.</b> If the development has unobstructed access to a major transit stop (Public Resources Code Section 21155) within 0.5 miles of the development, the developer can request a parking ratio of one-half space per unit if the development restricts at least 20% of the units for low-income households, at least 11% of the units for very low income households, or a parking ratio of one-half space per bedroom if the development restricts at least 40% of units for moderate income households. <b>Parking can be further reduced through incentives.</b> The local agency cannot impose any parking requirements if the project is at least 80% affordable to lower income households (Health and Safety Code Section 50079.5) and no more than 20% affordable to moderate income households (Health and Safety Code Section 500053) if: the development has unobstructed access to a major transit stop within 0.5 miles; or the development is for tenants 55 years or older, is a special needs housing development (Health and Safety Code Section 51312), or is a supportive housing development (Health and Safety Code Section 50675.14) and has either paratransit service or unobstructed access to a bus stop that operates at least eight times a day and is within 0.5 miles of the development. However, the local agency can impose a higher parking ratio if the local agency or independent consultant has conducted a parking study in the last seven years and there is substantial evidence in the study supporting the need for a higher parking ratio.</p>	<p>1, 3, 4</p>
<p>Government Code Sections 66314; 66322</p>	<p>An accessory dwelling unit is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. <b>A local agency can only require one parking space per accessory dwelling unit or per bedroom with accessory dwelling units, whichever is less. However, the local agency cannot require parking as a condition of permitting the accessory dwelling unit if the parking is within 0.5 miles walking distance of public transit, within an architecturally and historically significant historic district, is part of/within the proposed or existing primary residence or an accessory structure, is within one block of a car share vehicle, or if on-street parking permits are required but not offered to the accessory dwelling unit occupant.</b> If parking for the primary dwelling is destroyed because of the development of an accessory dwelling unit, the local agency cannot require that this parking be replaced.</p>	<p>1, 4</p>
<p>Government Code Section 66334</p>	<p>A junior accessory dwelling unit is a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. <b>A local agency cannot require parking as a condition of permitting a junior accessory dwelling unit.</b> However, if the junior accessory unit destroys/replaces an attached garage, the local agency can require the replacement of the parking for the primary dwelling unit.</p>	<p>1, 4</p>

**Association of Bay Area Governments & Metropolitan Transportation Commission  
Parking Policy Playbook: Appendix E**

Vehicle Code Section 22503	<b>A local agency may, by ordinance, permit angle parking on any roadway, or left-hand parking upon one-way roadways of divided highways, except that no ordinance is effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Transportation.</b>	11
Vehicle Code Section 22507	<b>A local agency may, by ordinance or resolution, designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit that exempt them from the prohibition or restriction of the ordinance or resolution. Signs or markings must be installed to give adequate notice of the parking restrictions.</b>	11
Vehicle Code Section 22507.1	<b>A local agency may, by ordinance or resolution, designate certain streets or portions of streets for the exclusive or nonexclusive parking privilege of motor vehicles participating in a car share vehicle program or ridesharing program. "Car share vehicle" is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.</b>	11
Vehicle Code Section 22507.2	<b>A local agency may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking. However, parking would not be allowed on sidewalks.</b>	11
Vehicle Code Section 22507.5	<b>A local agency may, by ordinance or resolution, prohibit or restrict parking on certain streets or highways between the hours of 2 a.m. and 6 a.m.</b> The ordinance or resolution may provide permits to allow people with disabilities, residents, and guests of residents of residential areas lacking adequate off-street parking facilities to continue to park between 2 a.m. and 6 a.m.	11
Vehicle Code Section 22508	<b>If the local agency wants to establish parking meter zones or fix the rate of fees for those zones, Vehicle Code Section 22508 requires the legislative body of a city or county to adopt the zones and/or rates through an ordinance.</b> The rate of fees may be variable, based upon criteria identified in the ordinance. The local agency can allow, but cannot require, payment of parking meter fees by a mobile device.	8, 9, 10, 11