

MEMORANDUM

To: City of Albany
From: Patrick Siegman
Date: February 17, 2023
Subject: Codifying Assembly Bill 2097 – Issues & Options

INTRODUCTION

On January 1, 2023, a new state law, Assembly Bill (AB) 2097, went into effect.¹ AB 2097 prohibits public agencies from imposing minimum automobile parking requirements (with a few exceptions) on development located within one-half mile of a high-quality transit corridor or a major transit stop.² We understand that Albany wishes to codify AB 2097 in the City's Zoning Ordinance. To help Albany consider its options, this memorandum proposes two alternatives for codifying AB 2097 and evaluates the pros and cons of each.

The alternatives proposed are:

1. Do the minimum required by state law to comply with AB 2097 (this would remove most minimum parking requirements in most, but not all, of the City)
2. Remove all minimum parking requirements, citywide

Either alternative could include setting maximum parking requirements (e.g., similar to those included in the San Pablo Avenue Specific Plan).

To help guide our evaluation of the pros and cons of these alternatives, we considered the following questions:

1. When did Albany originally adopt minimum parking regulations, and why?
2. How do today's state laws affect the City's ability to impose parking mandates?
3. How will each of these alternatives help, or hinder, progress towards the City's stated goals, as set forth in the Albany 2035 General Plan?

As background, the next section of this memorandum provides an abbreviated history of minimum parking regulations. It then summarizes several state laws (other than AB 2097) that now limit cities' ability to impose minimum parking mandates. It briefly reviews the experience of several cities that have removed minimum parking mandates. Lastly, it highlights a few of Albany's most relevant goals, policies, and implementing actions (excerpted from the General Plan). Albany's ability to achieve these goals, implement these policies, and complete these actions is likely to be significantly affected by its parking policies. The final section of this memorandum compares the likely effects of the two alternatives described above, drawing on the

¹ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2097. Accessed January 28, 2023.

² For brevity's sake, the remainder of this memo refers to automobile parking requirements simply as "parking requirements" or "parking mandates". However, note that AB 2097 does not restrict public agencies' ability to mandate bicycle parking.

transportation research literature regarding minimum parking regulations, and the actual effects observed in some of the cities that have removed them.

BACKGROUND

An Abbreviated History of Albany’s Minimum Parking Mandates

When did Albany first adopt minimum parking regulations, and why? From the City records available, it appears that the City first adopted them in 1959.³ The zoning ordinance establishing them contained a “Purpose” section, which simply stated: “These regulations are intended to provide accessible and well-maintained off-street parking facilities.”⁴ This only raises the question, what public purpose did the City hope to achieve by requiring every private property owner “to provide accessible and well-maintained off-street parking facilities?” The answer to this question is not entirely clear. However, the history of parking mandates in other American cities offers insight.

In 1906, Henry Ford started up his first assembly line and soon began churning out motorcars by the thousands. Automobile ownership soared. By the 1920s, the new problem of “spillover parking” had arrived in many places: automobiles often filled up all of the curb parking in front of shops and apartments, and then sometimes spilled over into nearby residential streets, crowding the curbs there.

In search of free parking near their destinations, motorists often took to circling about, waiting for a space to open up. Figure 1 shows the observed patterns of various motorists circling in search of parking spaces in Chicago in 1939. The study, undertaken by Wilbur Smith, was carried out by recording the license plate numbers of vehicles that repeatedly passed through a busy intersection during the evening hours.

In several studies conducted throughout the 20th century, researchers studying cruising for parking in urban areas found that “between 8 and 74% of traffic was searching for parking, and it took between 3.5 and 13.9 minutes to find a curb space” (Figure 2).⁵ Instead of searching for free curb parking, many motorists double-parked, clogging streets and increasing congestion.

The problem of overcrowded curb parking, and the congestion caused by cruising for parking and double parking, led to a new idea: the minimum parking regulation. In 1923, Columbus, Ohio, apparently became the first city to adopt an off-street parking regulation, requiring one parking space for each apartment in new apartment buildings. In 1939, Fresno became the first city to adopt minimum parking regulations for any use besides housing, adopting them for hotels and hospitals.

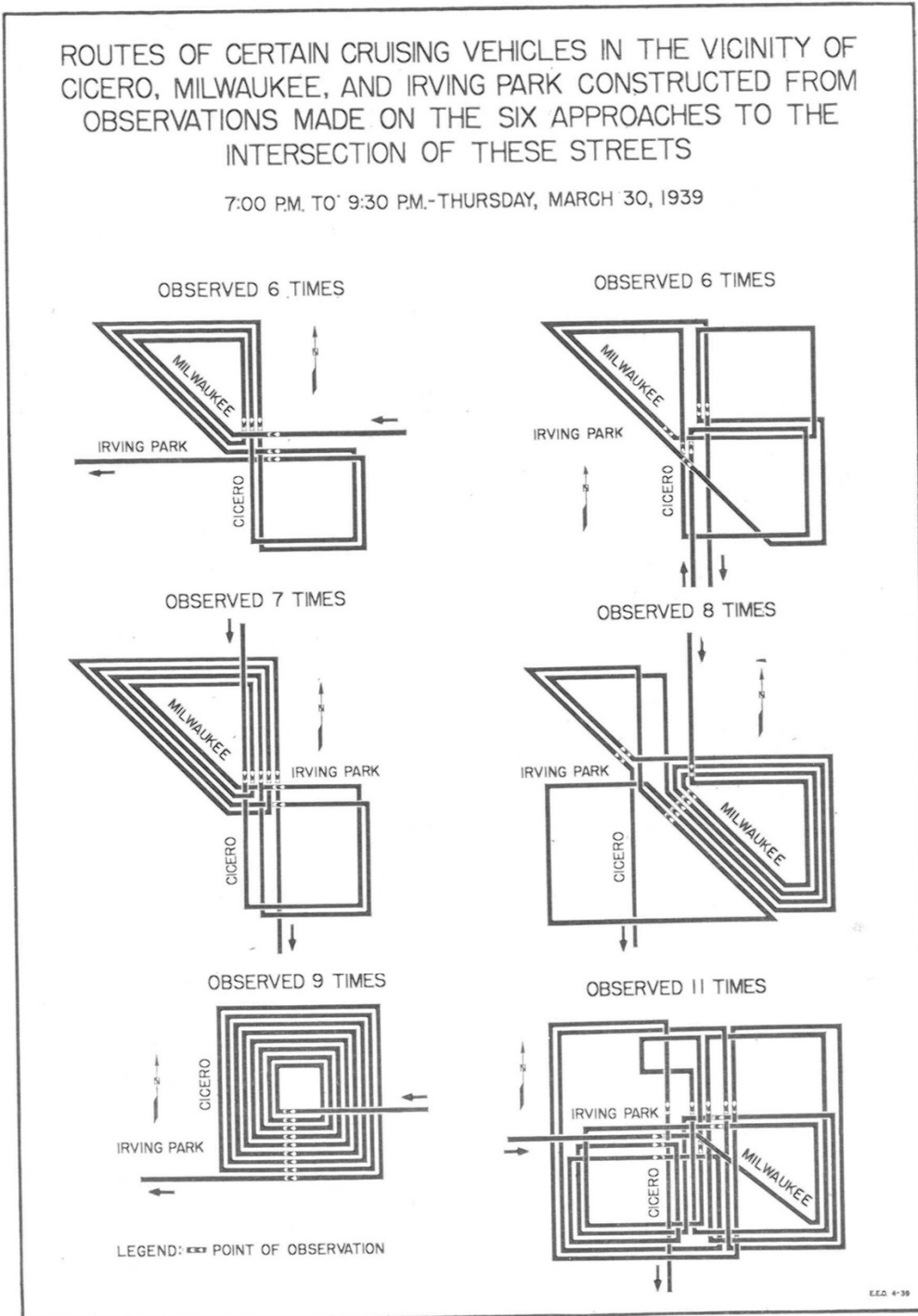
The essential concept was that if each private property owner was forced to build ample on-site parking, and required to build so many spaces that even if parking was free there would be unused spaces left over, then there would be plenty of spaces at the curb. Motorists would no longer have any incentive to circle the block looking for a free curb space and so traffic congestion would be lessened.

³ According to the General Plan, “Prior to 1959, on-site parking was not required for residential development” in Albany. Refer to: City of Albany. “Albany 2035 General Plan,” 2016. Page 3-4.

⁴ City of Albany, California. Ordinance 04-09 Zoning Ordinance of the City of Albany, California. (1959). Page 3-9.

⁵ Shoup, Donald. 2005. *The High Cost of Free Parking*. Chicago: Planners Press. Page 290.

Figure 1 Observed Routes of Cruising Vehicles in Chicago, 1939



From the Report: "A Plan to Relieve Traffic Congestion in the Portage Park Retail Shopping Center." A Survey by City of Chicago, Chicago Motor Club, Chicago Surface Lines, April 1939

FIGURE 4—Observed Routes of Cruising Vehicles

Figure 2 Twentieth-Century Cruising

Year	City	Share of traffic cruising (percent)	Average search time (minutes)
1927	Detroit (1)	19%	
1927	Detroit (2)	34%	
1933	Washington		8.0
1960	New Haven	17%	
1965	London (1)		6.1
1965	London (2)		3.5
1965	London (3)		3.6
1977	Freiburg	74%	6.0
1984	Jerusalem		9.0
1985	Cambridge	30%	11.5
1993	Cape Town		12.2
1993	New York (1)	8%	7.9
1993	New York (2)		10.2
1993	New York (3)		13.9
1997	San Francisco		6.5
2001	Sydney		6.5
Average		30%	8.1

The numbers after Detroit, London, and New York refer to different locations within the same city.

After World War II, minimum parking mandates spread rapidly. UCLA Prof. Donald Shoup writes that, “A 1946 survey of 76 cities found that only 17 percent had parking requirements in their zoning ordinances. Five years later, 71 percent of these cities had parking requirements or were adopting them.”⁶ Albany was apparently a bit of a late-comer to postwar America’s rush to enact minimum parking regulations, but we can surmise that the City policymakers of 1959 enacted them for the same reasons as other American cities: to prevent overcrowded curb parking and reduce traffic congestion.

The stated purpose of Albany’s minimum parking regulations has changed a bit since 1959. Today’s ordinance specifies that they are intended to, “Ensure that off-street parking facilities for vehicles and bicycles are provided for new land uses and for alterations and enlargements of existing land uses and structures in proportion to the need for such facilities created by each use.”⁷

This goal sounds sensible, but how many parking spaces are sufficient to meet “the need for such facilities created by each use”? As UCLA’s Prof. Shoup notes, “If curb parking is free and the city wants to prevent spillover, developers must supply at least enough on-site spaces to satisfy the demand for *free* parking.”⁸

From the documents available, it isn’t clear how the city planners of 1959 decided to set specific minimum parking ratios for each land use covered by Albany’s new mandate, or the rationale that

⁶ Ibid. Page 22.

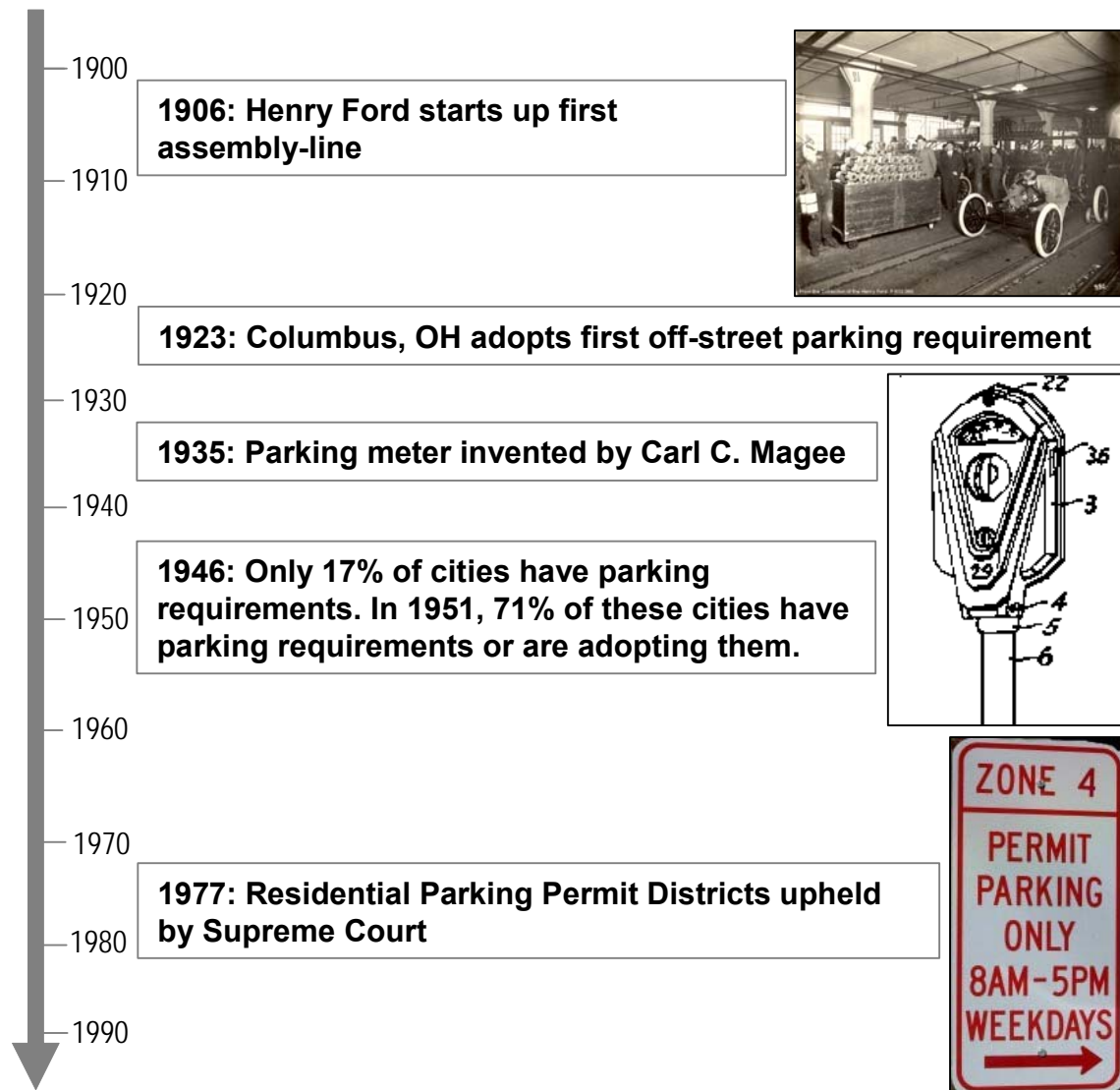
⁷ City of Albany, California, Municipal Code Section 20.28.010. “OFF-STREET PARKING AND LOADING REGULATIONS: PURPOSE.” Accessed January 24, 2023. <https://ecode360.com/37886662>.

⁸ Shoup, Donald. 2005. *The High Cost of Free Parking*. Chicago: Planners Press. Page 22.

was used to come up with the ratios in today’s regulations. However, researchers have found that urban planners usually set parking mandates by referring to “national surveys of peak parking occupancy observed at suburban sites with ample free parking and no public transit”, or by copying other cities’ requirements. Shoup notes that, “As a result, cities require so much parking that drivers park free for 99 percent of their trips.”⁹

Albany, like most American cities, does not explicitly require free parking, but *has* set minimum parking regulations that are usually high enough to satisfy the demand for parking even when parking is given away for free. Forcing the creation of this much supply has had the predictable result of ensuring that most destinations in Albany do in fact provide free parking.

Figure 3 History of Off-Street Parking Regulations



⁹ Ibid. Page 22.

Hawley Simpson, who conducted the first research on cruising for parking (and who later became president of the Institute of Traffic Engineers), predicted that requiring enough parking to create free off-street parking at every destination would have unintended consequences. "Rather than assisting in solving the street traffic problem" he said, "it may very probably have the opposite effect by inducing a large amount of unnecessary vehicle usage. Free storage is an economic fallacy." As described later in this memorandum, subsequent research studies appear to have proven Mr. Simpson right.

In 1923, when minimum parking regulations were apparently first invented, they may have appeared to be the only solution for the novel problem of cars filling up all of the curb space. It was not until 1935, in Oklahoma City, that the parking meter would be invented and then spread rapidly to other cities (Figure 3). Even then, minimum parking regulations may have appeared to be the only reasonable solution for preventing spillover parking in many areas, given the relatively high cost of installing and maintaining meters. Moreover, land in many areas was cheap. When California cities first began imposing minimum parking regulations, there seemed to be plenty of orchards and fields available to be paved over, so the cost of complying with these regulations might have seemed low.

The concept of residential parking permit districts, which reserve curb spaces for residents and their guests, and can effectively prevent spillover parking, was also yet to be invented. The nation's first to be challenged in court, in Arlington, Virginia, was upheld by the Supreme Court in 1977, and thereafter, residential parking permit districts spread rapidly throughout the country.

In 1959, Albany city planners and traffic engineers had few tools at their disposal for preventing overcrowded curb parking. They could install mechanical, coin-operated parking meters, or prohibit curb parking, or invent something new (like the unfamiliar and largely untested concept of residential parking permit districts).

Today, both technology and policy have advanced. Many cities now manage curb parking, using pricing and/or permits, to ensure that it remains readily available. Parking pricing is eased by technologies such as wirelessly-networked, credit-card-accepting multi-space meters and pay-by-phone systems. The latter let cities charge for parking without installing physical meters. New technologies have also made it feasible for cities to set demand-based parking prices, adjusting prices regularly to ensure that curb parking remains readily available on each block. San Francisco and Berkeley, for example, do this at their metered parking spaces.¹⁰ The legality of residential parking permit districts (and variations on this theme, such as reserving some curb parking spaces for other specific groups or uses) is also now well established. License plate recognition systems have made enforcing permits easier and let cities dispense with issuing physical permits, such as rearview mirror hangtags or plastic bumper stickers. Instead, motorists' license plates often serve as "virtual parking permits". All of these options have made managing curb parking easier and cheaper.

Thanks to advances in technology and law, Albany now has the option of removing minimum parking mandates, without the inevitable result being overcrowded curb parking.

¹⁰ Both cities, however, currently set demand-based parking prices at many metered spaces only during limited time periods. For example, most meters in Berkeley require payment only from 9 AM to 6 PM, Monday through Saturday. As a result, curb parking often becomes overcrowded as soon as the meters turn off. On Saturday nights, restaurants and bars in downtown Berkeley are usually thronged with patrons, private off-street garages charge fees of \$5 or more, and curb parking is free - a recipe for overcrowded curbs and cruising for free parking. The city's rationale for this practice is unclear.

Existing State Law Regarding Minimum Parking Regulations

Over the decades since cities first began imposing minimum parking regulations, a large body of research on their effects has been published. Much of that research has been critical of the practice. The California state legislature has responded by passing several laws, in addition to AB2097, that limit the ability of local agencies (i.e., cities and counties) to impose minimum parking mandates. Overall, the legislature's intent in passing these laws was to increase housing supply, reduce its cost, and reduce motor vehicle trips and associated pollution. AB 2097, for example, states, "The Legislature finds and declares that the imposition of mandatory parking minimums can increase the cost of housing, limit the number of available units, lead to an oversupply of parking spaces, and increased greenhouse gas emissions." State laws that limit minimum parking mandates include the following.

AB 744 (effective January 1, 2016) limits local agencies' authority to impose minimum parking mandates on developments containing affordable housing and located near transit, unless the local agency has completed its own parking study meeting specific standards.¹¹ AB 744's provisions have largely been surpassed by Senate Bill (SB) 35, described below, which completely removes minimum parking regulations for many affordable housing developments and mixed-income housing developments located near transit. However, while SB 35 does not apply to cities that have met their Regional Housing Need Allocation goals, AB 744 applies to all.

AB 2299, AB 2406, and SB 1069 (all three effective January 1, 2017) limit local agencies' ability to impose minimum parking mandates on accessory dwelling units (ADUs).

University of California scholars Anne Brown, Vinit Mukhija and Donald Shoup summarize these laws as follows:

*First, Assembly Bill 2299 requires cities to allow both uncovered and tandem parking in driveways to satisfy off-street parking requirements when a garage is converted or demolished to construct a second unit.... Second, Assembly Bill 2406 states that no additional parking is required for second units of 500 square feet or less within the primary home.... Third, Senate Bill 1069 prohibits parking requirements for second units if the second unit is within a half-mile from public transit, within a historically significant neighborhood, within one block of a car share vehicle, or in a district where parking permits are required but are not provided to the second-unit occupant....*¹²

California law also specifies that parking regulations for ADUs shall not exceed one parking space per unit or bedroom, whichever is less, under any circumstance. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency may not require that those off-street parking spaces for the primary unit be replaced. As a result, Albany, like other communities in California, has experienced single-family homeowners replacing their garages with ADUs and eliminating off-street parking on their lots, consistent with State law.

¹¹ https://leginfo.ca.gov/faces/billPdf.xhtml?bill_id=201520160AB744&version=20150AB74492CHP. Accessed January 28, 2023.

¹² Brown, Anne, Vinit Mukhija, and Donald Shoup. "Converting Garages into Housing." *Journal of Planning Education and Research* 40, no. 1 (March 2020): 56–68. <https://doi.org/10.1177/0739456X17741965>. Accessed January 28, 2023.

SB 35 (effective January 1, 2018) streamlines the approval of developments containing affordable housing in cities that are not meeting their Regional Housing Need Allocation goals.¹³ The law limits local governments' authority to impose parking mandates on streamlined developments. Specifically, SB 35 states:

(1)...a local government...shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

...If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

Like most California cities and counties, Albany is currently subject to SB 35's streamlined approval process for developments containing affordable housing.¹⁴ Notably, the SAHA 100% affordable housing development on Cleveland Ave. was approved under SB35.

AB 1763 (effective January 1, 2020) prohibits local agencies from imposing minimum parking regulations on supportive housing developments and on affordable homes for people with special needs.¹⁵

SB 9 (effective January 1, 2022) makes it legal statewide to build up to four homes on most lots that are zoned for single-family homes only.¹⁶ Cities cannot require more than one parking space per home for projects built under the law. If a home built under SB 9 is on a parcel located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or if there is a car share vehicle located within one block, local agencies are barred from imposing parking requirements on it. In Albany, SB9 is applicable only in the R-1 zoning district, which allows single-family homes, but not duplexes or multifamily units.

AB 1851 and AB 2244 reduce minimum parking regulations for faith-based organizations that build affordable housing.¹⁷ AB 1851 (effective January 1, 2021) lets religious institutions eliminate up to half of the existing parking spaces on their property when they build affordable housing on their land, and prohibits cities from requiring the replacement of those spaces. Cities

¹³ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB35. Accessed January 28, 2023.

¹⁴ https://www.hcd.ca.gov/policy-research/docs/sb35_statewidedeterminationsummary.pdf. Accessed January 28, 2023.

¹⁵ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1763. Accessed January 28, 2023.

¹⁶ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9. Accessed January 28, 2023.

¹⁷ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1851 and https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2244. Accessed January 28, 2023.

must also allow the religious-use parking spaces that remain after the completion of the project to count toward the number of spaces otherwise required for the new homes. AB 2244 (effective January 1, 2023) extends AB 1851 to apply to both existing and new places of worship. Under AB 2244, if a religious institution proposes to build a new place of worship and an affordable housing development simultaneously, the number of parking spaces that would otherwise be required under the local agency’s parking regulations for the new place of worship is reduced by half.

AB 2011 (effective July 1, 2023) allows for ministerial, by-right approval for affordable housing on commercially-zoned lands, and also allows such approvals for mixed-income housing along commercial corridors, as long as the projects meet specified affordability, labor, and environmental criteria.¹⁸ Cities may not impose minimum parking regulations on projects that qualify for streamlined approval under AB 2011, with the exception of regulations related to bicycle parking, electric vehicle parking spaces or parking spaces accessible to persons with disabilities.

Altogether, AB 2097 and the laws listed above substantially limit Albany’s ability to impose minimum parking mandates, particularly for residential projects.

Experience from Cities That Have Removed Minimum Parking Mandates

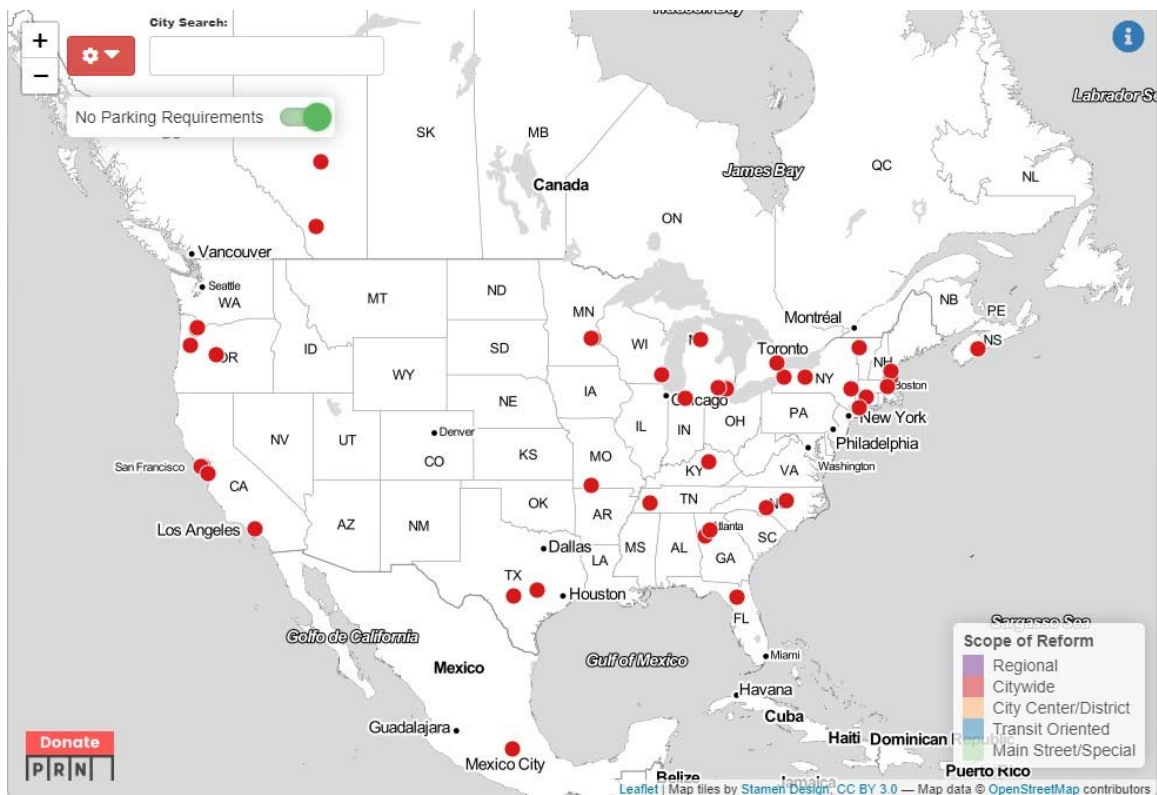


Figure 4 North American Cities That Have Removed All Minimum Parking Regulations

¹⁸ <https://abag.ca.gov/sites/default/files/documents/2022-10/AB-2011-vs-SB-6-Comparison-Chart.pdf>. Accessed January 28, 2023.

As Albany considers changes to its parking standards, what can it learn from the experience of cities that have removed minimum parking mandates? In recent decades, many cities around the world have removed these regulations, so there is no shortage of examples to consider. For example, in 2001, the United Kingdom published a national directive, Planning Policy Guidance 13, which stated, “There should be no minimum parking standards for development, other than parking for disabled people.” To comply, dozens of UK cities moved from having minimum parking regulations with no maximum, to maximum parking limits with no minimum.¹⁹

Closer to home, researchers have documented dozens of North American cities that have removed all minimum parking requirements, citywide (Figure 4). They range from Mexico City (population 8.9 million) to Lunenburg, Nova Scotia (population 2,263). Bay Area cities among this group include Alameda, Emeryville, San Francisco, and San Jose. Scholars and practitioners have also investigated the effects of removing minimum parking mandates in many of these places. Their findings on a few of these examples are summarized below.

Buffalo, New York

In 2017, Buffalo adopted a new zoning code, the Green Code²⁰, which repealed minimum parking regulations citywide. University of Buffalo scholars investigated the effects of this policy change by studying 36 major developments that were approved in the first two years after the new policy went into effect.²¹ Key findings included the following:

- “53% of major developments included as many parking spaces as had been previously required, or exceeded former requirements.”
- “Developers of mixed-use sites...took advantage of the reform, but single-use residential, commercial, and civic projects specified a parking supply in excess of that required by earlier minimum requirements.”
- “Developers of 14 sites mixing retail space and residential units incorporated 53% fewer parking spaces than required under previous zoning. Four added no parking, opting instead to share parking with other properties.” These mixed-use projects included two large housing complexes targeted to graduate students.
- “One-third of the developments in our study made parking an amenity, charging user fees rather than bundling it into rent or purchase prices.”

“Without minimum requirements,” the researchers conclude, “costly and land-consuming off-street parking becomes an option instead of a mandate, paid for by those who use it. Overall, the Green Code encouraged less parking in transit-rich locations along primary commercial corridors.”

¹⁹ United Kingdom Department for Communities and Local Government. 2001. *Planning Policy Guidance 13: Transport*. <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/155634.pdf>. Accessed January 29, 2023.

²⁰ <https://www.buffalony.gov/1224/Using-the-Unified-Development-Ordinance>. Accessed January 30, 2023.

²¹ Hess, Daniel Baldwin, and Jeffrey Rehler. “Minus Minimums: Development Response to the Removal of Minimum Parking Requirements in Buffalo (NY).” *Journal of the American Planning Association* 87, no. 3 (July 3, 2021): 396–408. <https://doi.org/10.1080/01944363.2020.1864225>. Accessed January 30, 2023. For a summary, see: <https://usa.streetsblog.org/2021/06/14/what-happened-when-buffalo-changed-its-parking-rules/>.

Burlington, Vermont

In January 2023, Burlington, Vermont, abolished the city's remaining minimum parking regulations²², with the aim of removing an obstacle to building housing and reducing fossil fuel emissions.²³ Previously, in 2020, the City had removed minimum parking mandates in several areas, including downtown and along the city's busiest streets.²⁴ According to Burlington's planning director, "her department has been monitoring the effects of eliminating parking minimums for the aforementioned areas of the city and recorded a 15% overall reduction in 2021 in parking built compared to what would have been required with previous minimums. She said each project was different, however, some building considerably less than past minimums would have allowed and some building about the same amount as they used to be required to build."²⁵

Fayetteville, Arkansas

Fayetteville, Arkansas, removed minimum parking regulations for commercial land uses citywide in 2015, after city planners observed that many buildings had sat vacant for decades, and parcels remained unused, because they lacked enough space to meet the parking regulations in place at the time.

After the change, says Fayetteville planner Quin Thompson, "The buildings that I had identified as being perpetually and perhaps permanently unusable were very quickly purchased, redeveloped, and are in use right now. ... I can't think of any that are still out there that I had used as case studies that haven't been redeveloped."²⁶ Catie Gould, a transportation researcher at the Sightline Institute, writes that:

"In Fayetteville and other cities, eliminating parking minimums citywide has had another benefit: reducing administrative work and freeing up city staff to work on other things.

... Kevin Robinson was one of those planners, until he was hired as director of Planning and Development Services for Albemarle, North Carolina. To his surprise, the city had almost no parking requirements, having eliminated virtually all of them two decades prior.

... "From an administrative standpoint, it's a heck of a lot easier to deal with," said Robinson. "Quite honestly, a lot of times [parking minimums] are very arbitrary numbers," Robinson said. Now that he no longer has to enforce them, he has more time to spend on other aspects of development — including a downtown parking plan."²⁷ .

²² <https://www.burlingtonfreepress.com/story/news/local/2023/01/11/burlington-development-council-votes-to-eliminate-parking-minimums/69794906007/>. Accessed January 30, 2023.

²³ <https://www.burlingtonfreepress.com/story/news/local/2022/10/17/burlington-parking-city-attempts-to-spark-development-reduce-car-usage/69556091007/>. Accessed January 30, 2023.

²⁴ <https://www.wcax.com/2022/07/18/burlington-may-eliminate-minimum-parking-requirements-developers/>. Accessed January 30, 2023.

²⁵ <https://burlingtonfreepress.com/story/news/local/2022/10/17/burlington-parking-city-attempts-to-spark-development-reduce-car-usage/69556091007/>. Accessed January 30, 2023.

²⁶ Gould, Catie. "Shifting Gears: Why Communities Are Eliminating Off-Street Parking Requirements—and What Comes Next." *Land Lines*, October 12, 2022. <https://www.lincolinst.edu/publications/articles/2022-10-shifting-gears-eliminating-off-street-parking-requirements>. Accessed January 30, 2023.

²⁷ Ibid.

Portland, Oregon

“It took almost a decade for a new apartment building with no parking to arrive in Portland after the city waived requirements near transit in 2002,” writes Sightline Institute researcher Catie Gould.²⁸ However, by 2012:

“Apartment construction was booming, and buildings without off-street parking were becoming increasingly common.

...The epicenter was a 13-block section of Division Street, a car-oriented commercial corridor experiencing a building boom. By the time the issue made it to the front pages of Willamette Week, the local weekly paper, 11 new multifamily buildings were under development, seven with no parking at all.

A city-commissioned survey of 115 residents of new apartment buildings would show that 72 percent of the respondents owned cars, with the majority parking on neighborhood streets. Even though the same survey showed that the areas around the buildings had plenty of available parking, neighbors didn’t perceive it that way.

...In response to the outcry, Portland’s city council reinstated a parking requirement for multifamily developments with more than 30 units. Those larger buildings would need to provide one parking space for every three or four units, depending on the building size. “That was the strategic retreat,” Hales explained. “We decided to adjust our ideal slightly to a watered-down version in order to reduce the controversy.”

...While supporters of parking mandates prevailed in that case, the matter was far from settled. Several years after the 2013 brouhaha, regulated affordable housing near transit regained its exemption from parking requirements, after rising rents and economic displacement prompted Portland to declare a housing state of emergency and elect a tenant advocate to city council.

...When parking complaints bubbled up in Portland’s Northwest neighborhood in 2016, the city was ready to try a different strategy: directly managing on-street parking. A local parking advisory committee had petitioned Portland’s city council to apply the citywide parking requirements to the growing district, which had historically been exempted. But when a study showed that those regulations would have made 23 percent of newly constructed homes in the neighborhood illegal, the council opted to improve the district’s fledgling parking permit program instead.”²⁹

Seattle, Washington

Seattle eliminated minimum parking regulations near transit in 2012. According to an article in Land Lines, the journal of the Lincoln Institute of Land Policy, “A study of 868 residential developments permitted in the following five years found that 70 percent of new buildings in areas

²⁸ Ibid.

²⁹ Ibid.

not subject to parking requirements still chose to have on-site parking. Collectively, the new buildings included 40 percent fewer parking spaces than would have previously been required, saving an estimated \$537 million in construction costs and freeing up 144 acres of land.”³⁰

Key Takeaways from Cities That Have Removed Minimum Parking Mandates

The results observed in Buffalo, Burlington, Fayetteville, Portland, and Seattle illustrate some of the typical effects of removing minimum parking regulations:

- **Builders continue to include on-site parking in the great majority of projects.** Most commercial tenants (whether retail, office, or another use), most homebuyers, and most renters want on-site parking and are willing to pay a premium for buildings that include it. Recognizing this, builders provide on-site parking at the great majority of projects, in order to meet market demand.
- **Builders built a few projects with no on-site parking.** These projects fell into several categories:
 - **Buildings targeted at niche markets of people (e.g., lower-income renters) who typically own few or no cars.** For example, in Buffalo, two apartment complexes for graduate students, built on primary transit corridors, included no on-site parking, an amount appropriate to the needs of a low-income population that owns few vehicles.
 - **Projects that arrange to use off-site parking.** In Buffalo, four of the 36 major developments built after the city removed minimum parking mandates were mixed-use projects with no on-site spaces. These projects relied on shared parking, making use of underused parking at nearby sites. In one case, this made it financially feasible to rehabilitate and reuse a historic structure, as 10 apartments above retail.
 - **Projects where residents made use of unpriced and unmanaged curb parking.** In Portland, several apartment buildings without parking were built along Division Street. Nearby curb parking was left unmanaged, with neither residential permits nor meters, attracting both new residents’ cars and complaints from existing residents. These projects highlight the importance of managing curb parking in areas where minimum parking mandates are removed and substantial new development occurs.
- **Removing minimum parking mandates also results in more creative and efficient approaches to meeting parking needs.** Many of Buffalo’s mixed-use developments included fewer spaces than previously required. At these projects, parking could be efficiently shared between uses, making it possible to meet market demand for parking with fewer spaces than previously required by an inflexible code
- **When minimum parking regulations are removed, people begin treating parking as more of an ordinary commodity, that is bought and sold, rented and leased.** One third of the major developments studied in Buffalo unbundled the cost of parking from the cost of renting an apartment, by charging a separate parking fee. Unbundling parking costs is also commonplace in other cities that have removed minimum parking regulations. Making parking an optional amenity, instead of a mandatory purchase, has many benefits: it reduces rents and home prices; reduces parking demand, traffic, and pollution; and helps balance parking supply and demand. However, it also increases the likelihood that on-street parking nearby will need active management, using tools such as

³⁰ Ibid.

- parking pricing and/or residential parking permits. If a site charges parking fees, while nearby curb parking is left free or underpriced, motorists will often overcrowd the curb parking (even if the site has ample on-site spaces available).
- **Cities report a variety of benefits from removing minimum parking mandates, including increased investment, more tax revenue, lower rents and home prices, rehabilitation and adaptive reuse of long-vacant buildings, and fewer administrative burdens for city planners.** Cities also report better urban design outcomes: allowing less parking leaves more space available for trees, gardens, and outdoor dining. Better streetscapes often result, with fewer driveways and more street trees.
 - **After the removal of minimum parking regulations, change often happens slowly, over many years, as it takes time for new developments to be planned, approved, financed, and built.** In Portland, for example, it took almost 10 years after the removal of minimum parking mandates near transit for the first car-free building to be built.
 - **However, eventually, most cities that remove minimum parking mandates find that they need to devote more attention to managing curb parking, using permits and/or prices, to prevent spillover parking problems.** This is usually necessary only in areas where significant change occurs, such as along major transit corridors.

Relevant City Goals & Policies (Selected)

The Albany 2035 General Plan, adopted in 2016, guides decisions about development, growth, and conservation in the City. The plan sets forth Albany's goals in areas such as land use, transportation, housing, open space, natural resources, and public services. It also includes policies and implementing actions intended to achieve those goals. A few of the goals, policies, and implementing actions whose chances of fulfillment will be strongly affected by parking policies are highlighted below.³¹

General Plan

Policy LU-3.14: Parking Management. Manage parking along the San Pablo and Solano Avenue corridors in a way that meets the needs of local businesses, provides convenience for local shoppers and patrons, and minimizes spillover parking onto nearby residential streets. The use of shared parking lots is strongly encouraged.

Action LU-3.C: Commercial Parking Studies. Evaluate commercial parking requirements to ensure that they are consistent with national best practices, support shared parking and car-sharing programs, and contribute to local sustainability objectives.

GOAL T-7: PARKING. Balance the need for vehicle parking with the goal of reducing auto dependence and achieving more sustainable development.

Policy T-7.1: Parking Management. Develop comprehensive parking management strategies which maximize the efficient use of available on-street and off-street parking spaces.

Policy T-7.2: Balancing Supply and Demand. Consider timed parking limits, residential parking permits, parking benefit districts, paid public parking, more stringent parking enforcement, and other methods to address parking in locations where demand exceeds supply during all or part of

³¹ For brevity's sake, not all General Plan goals that may be affected by parking requirements are listed.

the day. When modifying parking regulations, consider the potential impact on adjacent residential streets.

Policy T-7.3: Parking Standards. Adopt residential parking standards which consider factors such as the number of bedrooms in the unit, proximity to transit, the availability of on-street parking, and the characteristics of occupants (e.g., seniors, families, etc.), rather than applying a “one-size-fits-all” standard.

Policy T-7.4: Shared Parking. Encourage shared parking agreements so that adjacent or nearby uses with different demand characteristics can utilize the same parking spaces.

Policy T-7.5: Mechanical Lifts. Allow innovative methods of accommodating parking demand such as mechanical parking lifts.

Policy T-7.6: Car-Share and Bike-Share Parking. Consider incentives or requirements to include parking for car-share vehicles and shared bicycles in new mixed use development. Also consider preferential parking or dedicated curbside spaces for shared vehicles and shared ride services.

Policy T-7.7: Design of Surface Parking. On larger development sites where off-street surface parking lots are required, parking should be located to the rear or side of the building rather than between the building and the street. Site plans in which surface parking dominates the site or the street frontage are strongly discouraged.

Policy T-7.8: Unbundling. Allow unbundled multi-family parking, so that owners or buyers of multi-family units may opt out of having their own parking space and pay a lower rent or sales price in exchange.

Climate Action and Adaptation Plan

Adopted December 2019, the Albany Climate Action and Adaptation Plan, includes as one of its four central strategies, the adoption of active, shared, and electric transportation, and specifically supports a parking management strategy and curb management program.

Action 1.1.3 Research feasibility and emissions reduction impact of implementing a parking management strategy. This research would explore the costs, benefits, and considerations of introducing a parking management strategy such as paid parking or permit systems, while ensuring adequate, accessible parking remains available.

Action 1.1.5 Research and develop a curb management program that prioritizes carbon reduction. Elements of the program would include 1) establishing designated rideshare and third-party carpooling parking and loading zones, 2) incentivizing carsharing programs, and 3) integrating scooter and bike share docks, bike parking, electric vehicle charging, and green infrastructure.

COMPARING TWO ALTERNATIVES FOR CODIFYING AB 2097

How do minimum parking mandates affect Albany’s ability to achieve its goals and implement its policies? To evaluate this, this section draws on recent transportation research and on the effects observed in cities that have removed minimum parking mandates. It then considers which of the two alternatives proposed – doing the minimum required to comply with state law, or removing minimum parking regulations citywide – would do more to advance Albany’s adopted goals.

A large body of published, peer-reviewed transportation research literature and the real-world experience of other cities show that minimum parking mandates have the following effects.

Minimum parking mandates can be an effective way of reducing spillover parking in some cities, but their ability to accomplish this in Albany is now limited. As described in the History section of this memorandum (above), because Albany’s curb parking is free of charge, minimum parking regulations can only be effective in keeping curb parking spaces available if they are set high enough to ensure that the vast majority of properties provide enough on-site parking to satisfy the demand for *free* parking. In Albany, the ability of minimum parking regulations to prevent spillover parking is significantly limited by several factors:

- **State laws have removed most minimum parking requirements in most of the City.** Motorists (in particular, those parking all day or overnight) are often willing to walk five to 10 minutes to secure a free curb space, so most blocks of Albany are now within walking distance of properties that are no longer subject to Albany’s minimum parking rules. Therefore, Albany’s remaining minimum parking mandates are less likely to keep curb parking available in the long run, as properties redevelop.
- **Neighboring Berkeley has removed all minimum parking mandates for residences,** requires the unbundling of parking costs from rents at certain types of homes, and charges parking fees or requires residential permits for most curb spaces. Blocks of Albany that offer curb parking free of charge and are within easy walking distance of Berkeley are therefore likely to attract Berkeley motorists.
- **The San Pablo Avenue Specific Plan has removed minimum parking requirements for residential uses, limited the number of residential spaces allowed, and requires the unbundling of parking costs from rents** (i.e., it requires that spaces be rented separately from the homes themselves). These measures advance several City goals. However, they also encourage overcrowding of nearby curb parking by motorists if curb spaces remain free or underpriced and do not require permits.
- **Minimum parking regulations can be difficult to enforce, especially at small residential buildings with enclosed, individual garages (e.g., single-family homes, townhouses, and small apartment buildings).** Code enforcement staff is limited, and violations of minimum parking regulations can be hard to detect. Spotting a vehicle parked on a public street without a residential permit is relatively easy. By contrast, spotting a garage that has illegally been converted to storage or another use often requires contacting the occupants to get the garage door opened for inspection.

Given all of these recent changes, in the long run, as properties redevelop, Albany’s remaining minimum parking regulations are unlikely to be effective in ensuring that curb parking remains readily available.

Minimum parking mandates may or may not meet the needs of local businesses, shoppers, and patrons. The experience of cities such as Fayetteville and Buffalo (described above, in the Background section of this memorandum) shows that when minimum parking regulations are removed, long vacant storefronts and properties are often quickly redeveloped. New shops and businesses spring to life. Removing minimum parking regulations in Albany may achieve similar results, helping meet the needs of local businesses that want to open or expand, and helping shoppers and patrons get the goods and services they want. Property owners who wish to rent or lease excess parking to new businesses and residents may also benefit.

However, when businesses open or expand with fewer spaces, nearby property owners may need to begin managing access to their own parking to prevent spillover problems. Similarly, nearby curb parking may eventually require more management to ensure it remains available for businesses, shoppers, and patrons.

Minimum parking mandates reduce housing affordability. Research by Santa Clara University’s C.J. Gabbe and UCLA’s Gregory Pierce found that nationwide, providing a single garage space “adds about 17 percent to a unit’s rent.”³² “Minimum parking requirements create a major equity problem for carless households,” they write. The regulations force carless – generally low-income – people to pay higher rents for parking they don’t need and can’t use. Minimum parking mandates also make for-sale housing less affordable. UC Berkeley researchers Wenyu Jia and Martin Wachs found that in San Francisco, “the average condo unit with off-street parking sold for 13% more than the price of comparable units without parking”.³³ Conversely, unbundling the cost of parking from the cost of housing lowers rents and home prices. Jia and Wachs found that in San Francisco, 20% more households could qualify for loans on condominiums without parking.

Minimum parking mandates increase automobile ownership and use, and therefore increase traffic. Multiple research studies have now confirmed this. For example, University of California scholars surveyed auto ownership and basic transportation habits of the residents of 2,654 homes in 197 projects built in San Francisco since 2002. These residents were effectively randomly assigned to buildings with or without parking, by the lottery system that determines who is offered a place in San Francisco’s below-market-rate apartments and condominiums. What was the result of this natural experiment?

The authors concluded that residences with more on-site parking induce more automobile ownership (Figure 5). “Buildings with at least one parking space per unit (as required by zoning codes in most U.S. cities, and in San Francisco until circa 2010) have more than twice the car ownership rate of buildings that have no parking,” the authors write.³⁴ As this research makes clear, minimum parking mandates work at cross purposes to Albany’s goal of reducing auto dependence.

Albany has one of the highest alternative mode shares in the region, which is a foundation to build on to encourage more sustainable modes of travel. Among Albany residents commuting to work in 2019 (pre-pandemic), 29% took public transit, 9% carpooled, 7% biked, and 6% walked.³⁵ Moreover, anecdotally, electric bikes and longer bikes (e.g., cargo bikes, bikes with trailers) have become more prevalent in recent years for both individuals and families in Albany. The City continues to support these alternative modes through implementation of Active Transportation Plan projects and coordination with AC Transit. Removing minimum parking mandates, so that parking becomes an optional amenity instead of a required purchase, can be expected to

³² Gabbe, C.J., and Gregory Pierce. “The Hidden Cost of Bundled Parking.” Access (Spring 2017). <https://accessmagazine.org/spring-2017/the-hidden-cost-of-bundled-parking/>. Accessed February 10, 2023.

³³ Jia, Wenyu and Martin Wachs. “Parking and Affordable Housing.” Access, no.13 (Fall 1998): 22-25. <https://accessmagazine.org/spring-2017/the-hidden-cost-of-bundled-parking/>. Accessed February 10, 2023.

³⁴ Millard-Ball, Adam, Jeremy West, Nazanin Rezaei, and Garima Desai. “What Do Residential Lotteries Show Us about Transportation Choices?” *Urban Studies* 59, no. 2 (February 2022): 434–52. <https://doi.org/10.1177/0042098021995139>. Accessed February 10, 2023.

³⁵ Source: 2019 American Community Survey 5-year Estimates Subject Tables (ID #S0801)

increase walking, cycling, carpooling and transit further, as residents will be able to save money by renting or buying fewer parking spaces.

Figure 5 More On-Site Parking Induces More Automobile Ownership

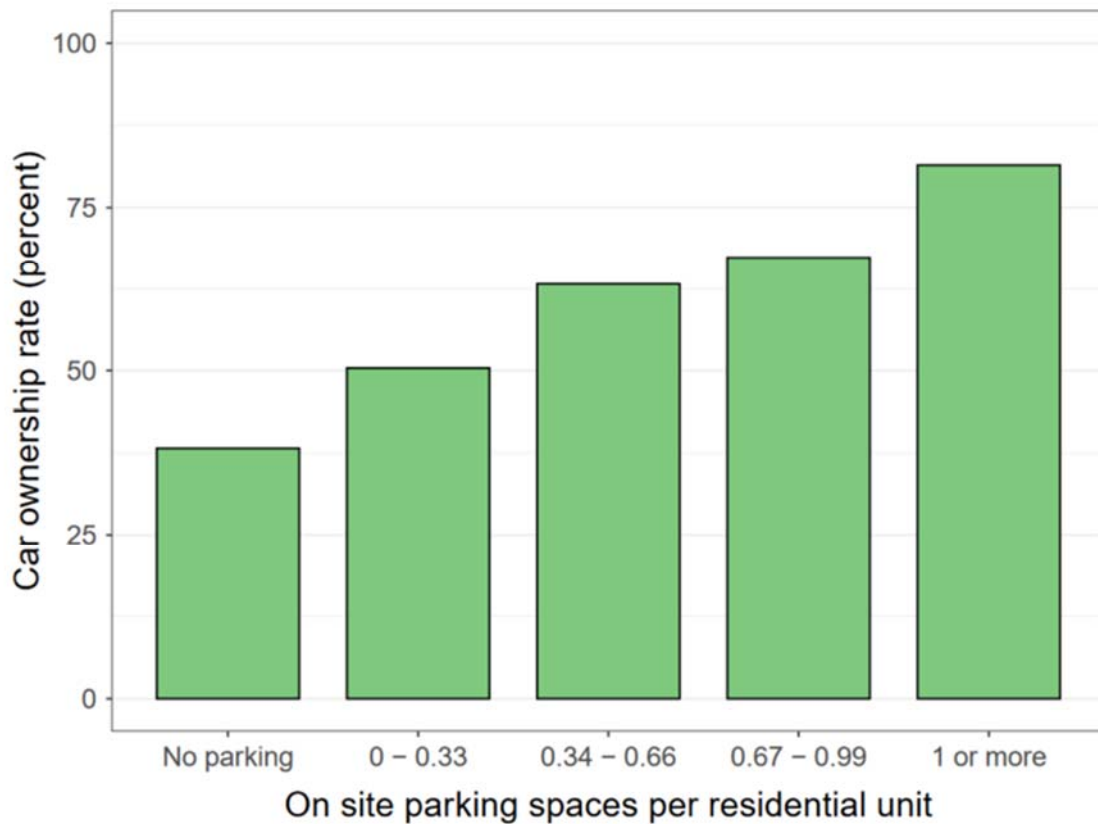


Image: Millard-Ball, West, Rezaei and Desai. Used with permission.

Minimum parking mandates discourage shared parking and efficient use of parking.

Albany’s basic parking minimums are set high enough to ensure that developments that comply with them maintain enough on-site parking to satisfy the demand for free parking. This reduces property owners’ incentive to share parking. It’s hard to make money renting out your excess parking if parking on nearby streets is free and most other property owners have abundant free parking. If there’s no money in it, most people won’t do it.

For the same reasons, minimum parking mandates reduce residents’ and customers’ incentives to share parking or use it more efficiently. Why rent parking from someone else, or replace an individual car with carsharing, if the cost of parking has been bundled into your apartment’s rent and you can’t save money by renting fewer on-site spaces?

Albany’s zoning ordinance does provide a process by which new developments can build fewer on-site spaces and instead share parking with neighboring properties, but this process can be time-consuming and the outcome uncertain. For developers and businesses, time is money, so many are likely to comply with standard minimum parking regulations, instead of attempting to gain permission to share parking.

By their very nature, Albany’s minimum parking regulations undermine the City’s adopted goal of strongly encouraging shared parking and the efficient use of parking.

Minimum parking mandates undermine local sustainability objectives. Because minimum parking mandates increase automobile ownership and use, they also increase air and water pollution. Requiring people to pave more land than they would voluntarily choose to also increases the urban heat island effects, stormwater runoff problems, and water pollution created by parking lots and garages. Minimum parking mandates therefore hamper progress toward the City's goals of adopting code requirements that contribute to local sustainability objectives and achieving more sustainable development.

Minimum parking regulations tend to result in site plans dominated by lots and garages. Many of Albany's basic minimum parking standards (i.e., those that apply outside the Solano Commercial and San Pablo Commercial districts) require more than one square foot of asphalt for every square foot of building space. For community assembly halls, clubs, lodges, funeral homes, religious institutions and restaurants, the basic standard requires more than three square feet of asphalt for every one square foot of built space. When more spaces are required than individuals would supply voluntarily, it's harder to hide them. Albany's current code thus undermines its goal of avoiding site plans dominated by parking.

Minimum parking mandates discourage carsharing and bikesharing. Minimum parking regulations make parking a required purchase. As described above, this increases the number of people who will purchase their own individual car. Once a person owns a car, they are far less likely to use carsharing or bikesharing. Minimum parking mandates thus work at cross purposes to Albany's goal of supporting carsharing programs. By contrast, when parking is an optional amenity, people can save on the high cost of buying or renting parking by relying on carsharing.

Minimum parking mandates are not consistent with national best practices. Minimum parking requirements are no longer supported by many professional planning and engineering organizations. For example, in a recent editorial, Institute of Transportation Engineers International President Bruce Belmore urged cities to, "Eliminate mandatory minimum parking requirements".³⁶ Similarly, the California Chapter of the American Planning Association endorsed Assembly Bill 2097, which removes most minimum parking requirements near transit. It appears that current code requirements no longer advance Albany's goal of adopting commercial parking requirements that are consistent with national best practices.

Requirements for accessible & electric vehicle charging spaces

Assembly Bill 2097 allows cities and counties to continue requiring accessible spaces and "electric vehicle supply equipment installed parking spaces" (EV charging spaces). Currently, Albany's requirements for these types of spaces are based upon the overall number of parking spaces supplied at a new development. If Albany removes minimum parking regulations, but retains the City's existing requirements for accessible and EV charging spaces, then any development that voluntarily supplies parking will be required to set aside an appropriate share of those spaces for accessible parking and EV charging.

This is the course that has been adopted by most cities that have removed minimum parking regulations, including Alameda, Emeryville, San Francisco, and San Jose. However, Albany could theoretically begin requiring accessible spaces and EV charging spaces even at developments

³⁶ Belmore, Bruce. "Rethinking Parking Minimums." *ITE Journal* (February 2019).
[Http://www.nxtbook.com/ygsreprints/ITE/G103582_ITE_February2019/](http://www.nxtbook.com/ygsreprints/ITE/G103582_ITE_February2019/). Accessed February 10, 2023.

that would otherwise be car-free. This could improve accessibility and promote electric cars, but has significant drawbacks as well.

For people with disabilities, the burdens imposed by minimum parking regulations can be acute. That's because people with disabilities are less likely to drive. Nationwide, only about 65 percent of people with disabilities drive a car, compared to 88 percent of nondisabled persons.³⁷ Blind people, and others who cannot drive, often live in urban neighborhoods where they can meet many of their daily needs on foot, on public transit, or via short taxi rides. So, in many city neighborhoods, fewer than half of people with disabilities drive.

Minimum parking regulations act like a matching grant program. The high cost of complying with them raises rents for everyone. A person can benefit from the required parking if the person is physically and mentally capable of obtaining a driver's license and wealthy enough to purchase, insure, fuel, and maintain an automobile. If they cannot, they can't benefit. Should blind people be required to pay for parking spaces they do not need and cannot use? We suggest that they shouldn't.

We recommend that Albany maintain its existing formulas for requiring accessible parking spaces and EV charging spaces. This will ensure that at any development that provides parking, an appropriate share is set aside for these needs. However, it will also allow the development of buildings without on-site parking. Based on the experience in other cities, only a small proportion of developers will choose this option, but it will allow the development of buildings targeted for niche markets of people who cannot afford or choose not to own a car (e.g., blind people, people with developmental disabilities, many students, and other low-income households). It will also allow for buildings that make use of parking on nearby sites. We also recommend that as part of the development approval process for buildings without on-site parking, the City consider routinely restriping one or more adjacent curb spaces as accessible spaces.

Conclusion

Minimum parking mandates have both pros and cons. In some cities, they have been effective in preventing parking spillover problems. In Albany, however, state laws, neighboring cities' policies, and parts of Albany's own code, limit the ability of minimum parking regulations to accomplish this goal. Minimum parking regulations also work at cross purposes to many of Albany's adopted goals, policies and implementing actions.

The option of doing the minimum required by state law to comply with AB 2097 has some advantages. It would make the zoning code consistent with state law, providing clarity for policymakers, City staff and applicants. In a few areas, it may reduce or postpone the need to manage curb parking. However, this option still removes most minimum parking requirements in most of Albany. AB2097 applies to the vast majority of the City, with the exception of the racetrack and areas west of I-80, Upper Solano, and the R-1 neighborhood on the east side of town. The R-1 zoned properties often have garages. Under state law, residents are permitted to convert these into accessory dwelling units without replacing the parking. Other residents likely use garages for storage or workshops. Existing commercial buildings along Upper Solano often have no on-site parking. The City's existing Blended Commercial Parking Rate for these buildings

³⁷ Siegman, Patrick. "Should Blind People in Berkeley Be Required to Buy Parking Spaces?". *Streetsblog California* (January 25, 2021). <https://cal.streetsblog.org/2021/01/25/should-blind-people-in-berkeley-be-required-to-buy-parking-spaces/>. Accessed February 10, 2023.

applies a single parking requirement (1 space per 400 square feet of gross floor area) to all commercial uses except restaurants. This eases changes of use, which is good for reducing vacancies and economic development. However, it also means nearby curb parking is more likely to require management, since it is possible for a more intense use to replace a less intense one without adding parking. In sum, this option is not likely to be an effective way of preventing spillover parking.

Given all of these considerations, we recommend that the City remove all minimum parking regulations, citywide.

Taking this action is not likely to result in major changes overnight. It takes years for new developments to be planned, designed, approved, financed, and built. In today's climate of high interest rates and falling home prices, Bay Area developers are having trouble obtaining financing and many development projects have been shelved. Moreover, as described in the Background section of this memorandum, in most cities that have removed minimum parking mandates, the vast majority of new projects continue to include parking, and many include as much parking as was previously required.

Eventually, removing minimum parking regulations will very likely require the city to do more to manage curb parking. This can be accomplished by implementing General Plan Policy T-7.2, which calls for considering "timed parking limits, residential parking permits, parking benefit districts, paid public parking, more stringent parking enforcement, and other methods to address parking in locations where demand exceeds supply during all or part of the day." This strategy is similarly supported by Climate Action and Adaptation Plan Action 1.1.5, described above. To accomplish this, we recommend following up the removal of minimum parking regulations with a citywide curb parking management plan. Curb parking management measures, such as pricing and residential permits, have a track record of success in keeping curb parking readily available. When implemented well, they are often popular, and can raise substantial funding for improving public services in neighborhoods that choose to establish a parking benefit district.