

## AB 2097 - PARKING EXEMPTIONS:

Summary and Considerations for Local Jurisdictions

### Overview

Assembly Bill (AB) 2097 prohibits public agencies from imposing or enforcing a minimum parking requirement on a residential, commercial, or other development project located within one-half mile of a major transit stop. AB 2097 added California Government Code Section 65863.2 and amended Section 65585. It was signed into law on September 22, 2022, and went into effect on January 1, 2023.

AB 2097 is intended to decrease development and housing costs by eliminating minimum parking requirements or reducing the amount of parking provided for eligible projects. It also is intended to encourage the use of alternative transportation, reduce traffic, reduce the oversupply of parking spaces, and decrease greenhouse gas emissions and air pollution. AB 2097 does not prohibit property owners from building on-site parking but rather prohibits local authorities from mandating that property owners build a minimum number of parking spaces.



### Purpose

The purpose of this material is to provide guidance that agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion related to decision making, independent judgment and analysis, or environmental documents prepared for project or governmental action subject to requirements of the California Environmental Quality Act. This material is for general information only and should not be construed as legal advice or legal opinion.

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## Definition of Major Transit Stop

Section 65863.2(5) defines "public transit" as "a major transit stop as defined in Section 21155 of the Public Resources Code." Section 21155 incorporates and adds to the definition from Section 21064.3 of the code to define a major transit stop as:

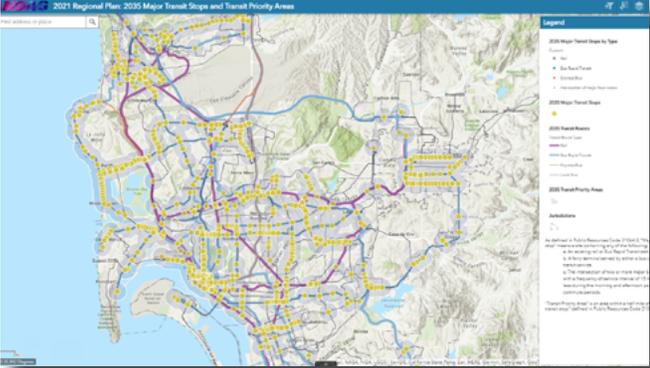
- an existing rail transit station,
- a ferry terminal served by either a bus or rail transit service,
- the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, or
- a major transit stop included in the regional plan.

## Exemptions from AB 2097

AB 2097's prohibition on imposing parking requirements does not apply to all projects, however. A public agency may impose or enforce a minimum parking requirement on the following types of projects when they are located within one-half mile of a major transit stop:

- event centers, unless the local ordinance requires parking for employees and other workers (Section 65863.2[d]);
- projects that include a hotel, motel, bed and breakfast inn, or other transient lodging unless a portion of the project is designated for use as a residential hotel as defined in Section 50519 of the Health and Safety Code (Section 65863.2[e][5]); and
- publicly accessible commercial parking not obligated to a specific use that is in a contractual agreement with a public agency executed before January 1, 2023, as long as the required commercial parking is shared with all members of the public (Section 65863.2[h][1]).

### 2021 Regional Plan: 2035 Major Transit Stops



A map of 2035 Major Transit Stops included in SANDAG's 2021 Regional Plan is available online. The areas are subject to change with each RTP/SCS adoption. This map is for illustrative purposes only. Local governments are the lead agencies responsible for making the final determination on AB 2097's application. Visit: <https://sandag.maps.arcgis.com/apps/webappviewer/index.html?id=593a90709d86409eac6f773f79c44605>

## When Jurisdictions Can Still Require Parking

Local jurisdictions may still impose parking requirements on a residential, commercial, or other development project located within one-half mile of a major transit stop according to Section 65863.2(b) if they find that not imposing or enforcing the parking requirements would have a "substantially negative impact" on:

- the local jurisdiction's ability to accommodate its share of the regional housing need for low- and very low-income households (per Section 65584),
- the local government's ability to meet any special housing needs for the elderly or persons with disabilities (per Section 65583[a][7]), or
- existing residential or commercial parking within one-half mile of the housing development project.

A local jurisdiction must make the required written findings, supported by a preponderance of evidence, within 30 days of receipt of a completed development application. However, even if a jurisdiction is able to make the required findings, a housing development project<sup>1</sup> is exempt from the local government's parking requirements, according to Section 65863.2(c), if:

- the project dedicates a minimum of 20 percent of the total number of housing units to very low-, low-, or moderate-income households, students, the elderly, or persons with disabilities;
- the project contains fewer than 20 housing units; or
- the project is subject to parking reductions based on any other applicable law.

In addition, for new multifamily and nonresidential development within one-half mile of a major transit stop, local jurisdictions may still require parking spaces with electric vehicle charging facilities and parking spaces that are accessible to persons with disabilities (see Section 65863.2[f]). AB 2097 does not prevent a jurisdiction from requiring bicycle parking and on-site loading pursuant to municipal code requirements.

## When Projects Voluntarily Provide Parking

If parking is voluntarily provided as part of a project that is exempt from minimum parking requirements as a result of AB 2097, then a local jurisdiction may impose any of the following applicable requirements and standards:

- Provide spaces for car share vehicles.
- Require spaces to be shared with the public.
- Require parking owners to charge for parking.

However, a jurisdiction may not require that voluntarily provided parking is provided to residents free of charge (Section 65863.2[g]). AB 2097 does not prevent a jurisdiction from applying any applicable parking design standards when parking is voluntarily provided.

## Coastal Zone Projects

AB 2097 makes no exemption for projects in coastal zones.

## Enforcement of AB 2097

When the Department of Housing and Community Development reviews a local government's housing element, amendments to the element, actions, or failures to act and finds that it is in violation of AB 2097, it will notify the local government of the violation and may notify the Office of the Attorney General (Section 65585[j]).

## What Jurisdictions Should Consider When Implementing AB 2097

Below is an initial list of considerations for local governments when they implement AB 2097:

1. Provide the public with information on which parcels are not subject to minimum parking requirements under AB 2097 using a map and/or GIS parcel identification.
2. Impose bicycle parking and an on-site loading area for projects regardless of whether parking is provided.
3. Establish a process for determining whether exempting parking would have a substantially negative impact on existing residential or commercial parking.
4. Require a parking study or analysis by the project applicant to obtain evidence of no substantially negative parking impact for a given project, based on objective standards.
5. Impose applicable parking design and development standards on projects that provide voluntary parking even if the project is not subject to minimum parking requirements under AB 2097.

<sup>1</sup>) A "housing development project" as defined in the Housing Accountability Act (Government Code Section 65589.5[h][2]).