


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: December 29, 2022

TO: Interested Parties
Department of City Planning Staff

FROM: Vincent P. Bertoni, AICP
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Department of City Planning 

SUBJECT: **IMPLEMENTATION OF AB 2097 (2022)**

On September 22, 2022, the Governor signed Assembly Bill (AB) 2097, which added Government Code Section (§) 65863.2. AB 2097 prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop, with minor exceptions detailed below. A development project, for purposes of this bill, includes any project requiring a discretionary entitlement or building permit to allow the construction, reconstruction, alteration, addition, or change of use of a structure or land.

This memo will serve as guidance for staff and project applicants on the implementation of AB 2097 for discretionary and ministerial projects until the time this memo is superseded. Staff and interested parties are encouraged to refer to state law in Government Code §65863.2 for additional information as this memo is not exhaustive.

AB 2097 Eligibility and Restrictions

AB 2097 prohibits a public agency from imposing minimum automobile parking requirements on most types of development near a major transit stop. AB 2097 specifies that the parking reductions in this bill do not apply to a hotel, motel, bed and breakfast inn or other transient lodging except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code. Furthermore, the parking reductions do not apply to employee parking for an event center, or publicly accessible commercial parking, that is not obligated to specific use, in a contractual agreement with a public agency executed before January 1, 2023.

In addition, a public agency has the option to impose minimum parking requirements if it can make written findings within 30 days of receipt of a completed application (e.g., an application for an entitlement was filed and fees were paid to the Department of City Planning) for a development project. These findings may not be made against the following housing development projects that:

- Include a minimum of 20 percent of the total dwelling units for very low, low, or moderate-income households, students, the elderly, or persons with disabilities.
- Contain fewer than 20 dwelling units.
- Are subject to parking reductions of any other applicable law (by satisfying the applicable eligibility requirements)

Government Code §65863.2(b) provides that any public agency findings to impose parking minimums must be supported by a preponderance of evidence in the record, showing that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, on any of the following:

1. The City's ability to meet its share of the Regional Housing Needs Assessment (RHNA) for low and very low-income households.
2. The City's ability to meet any special housing needs for the elderly or persons with disabilities, as identified in the City's Housing Element.
3. Existing residential or commercial parking within one-half mile of the housing development project.

AB 2097 Implementation

As part of the implementation of AB 2097, the Department of City Planning will be collecting data during the first year of implementation of the statute and will be evaluating whether invoking either of the two housing-related findings is appropriate after such time. This will include tracking the number of projects utilizing the parking relief, the scale of the parking relief provided, the number of affordable and senior/disabled units proposed, as well as the utilization of affordable housing incentive programs. This data is critical to determine the impacts of the legislation on affordable and special needs housing production as well as to gather the data needed to determine whether or not the City sees evidence and a future rationale to invoke the exception findings related to housing production for the City's share of RHNA numbers or special needs housing. The utilization of these findings will be based on the information collected by the City and be based on the development trends shown by this data and other City collected housing production data.

In regards to the general finding that a project may create substantial negative impacts on "existing residential or commercial parking within one-half mile of the housing development project," members of the public and other interested parties may submit evidence to the record within 25 days of the project being accepted by the Department (the earlier the better) by emailing planning.ab2097@lacity.org, with the subject line including "Evidence" followed by the project case number, or if not available, the street address of the project. Evidence submitted by the general public will only be considered for discretionary development projects processed by the Department of City Planning and will be considered alongside other citywide policy priorities around equity, housing, mobility and sustainability, as well as opportunities for other mitigation strategies and the state legislative intent. The intent of the bill, as described in § 65863.2(i) states:

(i) 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. Therefore, this section shall be interpreted in favor of the prohibition of the imposition of mandatory parking minimums as outlined in this section.

Consistent with the preponderance of evidence standard under Government Code Section 65863.2(b), a parking study must be provided by the public or other interested party as part of the evidence of a substantially negative parking impact for a given project. The parking impact evidence must conform to industry standards utilized by LADOT for review of a parking study or analysis. To provide a complete picture of overall usage and whether a consistent parking impact is present, the analysis should include the total amount of parking supply within the study area using the following parameters:

- Parking Study Area
 - Minimum radius of 1,000 feet or two city blocks, whichever is greater, around the project
 - The study area should be enlarged proportionally to the size of the project
- Parking Inventory
 - Counts of both on-street and off-street parking spaces
 - Counts of both public and restricted parking spaces
- Parking Duration
 - Monitor occupancy at three 4-hour intervals between 8am and 8pm on both weekends and weekdays
 - Record both occupancy duration and turnover of parking spaces during intervals
- Parking Analysis
 - Areas with more than 85% utilization throughout the day should be highlighted
 - Mitigation measures should be recommended

Parking studies should be reviewed and stamped by a licensed traffic engineer, though they are not required to be completed by one. LADOT will determine whether evidence for parking impacts exists, in collaboration with the Department of City Planning. Substantial negative impacts will be weighed alongside potentially positive impacts on a variety of citywide policy priorities, as well as individual circumstances. Any findings under section 65863.2(b) must be made in writing within 30 days of a completed application and supported by a preponderance of evidence in the record.

In line with state and local objectives, such as reduced Vehicle Miles Traveled (VMT) and Green Houses Gases (GHG) policy goals as well as housing equity goals, projects located in the following areas will be accorded substantial consideration against imposing or enforcing parking minimum standards on these projects:

1. Projects located within one-half mile of a fixed rail or bus rapid transit (BRT) line
2. Projects located in high and highest resource areas in the Tax Credit Allocation Committee ([TCAC](#)) Opportunity [Maps](#)

Electric Vehicle (EV) or American with Disabilities (ADA) Parking

Government Code Section 65863.2(f) does not reduce, eliminate or preclude enforcement of any otherwise applicable requirements regarding the provision of electric vehicle (EV) supply equipment installed parking spaces or to provide parking spaces that are accessible to persons with disabilities. The EV space requirements are stated in the LAMC section beginning with Section [99.04.106.4.2](#) and the accessibility details are in [LABC Section 11B-208](#), and apply to multi-family residential and nonresidential projects. Both code sections base their requirements on the number of parking spaces otherwise “provided” by the development project. Therefore, if any parking spaces are voluntarily provided, the EV and ADA parking standards required by the LAMC will be applied.

Additional Standards for Provided Vehicle Parking

When a project provides parking voluntarily, the City may impose certain other applicable requirements, including that the voluntary parking require spaces for car share vehicles, require spaces to be shared with the public (e.g., not limited to a specific use or business), or require parking owners to charge for parking. A public agency may not require that voluntarily provided parking is provided to residents free of charge.

Commercial Parking Subject to Existing Contractual Agreements

AB 2097's ban on imposing or enforcing parking minimums does not apply to any commercial parking requirements that are subject to an existing contractual agreement of the public agency that was executed before January 1, 2023, so long as the required commercial parking is shared with all members of the public.

Event Centers

Government Code section 65863.2(d) provides that an event center shall provide parking for employees and other workers, as provided by local ordinance. The LAMC has no separate parking requirements for employees or other workers for event centers and as such, such parking for employees and other workers cannot be imposed. AB 2097 does not define "event center" nor does the LAMC. California Health and Safety Code Section 40717.8 defines the term to mean "a community center, activity center, auditorium, convention center, stadium, coliseum, arena, sports facility, racetrack, pavilion, amphitheater, theme park, amusement park, fairgrounds, or other building, collection of buildings, or facility which is used exclusively or primarily for the holding of sporting events, athletic contests, contests of skill, exhibitions, conventions, meetings, spectacles, concerts, or shows, or for providing public amusement or entertainment." The City will use this definition as a guide until it creates its own.

Application

On January 1, 2023, the AB 2097 provisions became effective and available to any qualified project, provided it meets the criteria in state law. The City's Zoning and Information Mapping Access System (ZIMAS) identifies parcels within a one-half mile radius of a major transit stop under the Planning and Zoning tab within the table of contents. For projects that intend to utilize AB 2097, the applicant will need to print a date-stamped Parcel Profile Report including the AB 2097: Reduced Parking Area field indicating whether the project is eligible for AB 2097 and should be submitted either at the time of application or after an application has been submitted, but prior to a letter of determination or permit being issued.

If a project already has an approved entitlement, revised plans showing the changes to the project made as a result of reducing automobile parking spaces as well as a ZIMAS date-stamped Parcel Profile Report will need to be provided to the Senior Planner of the Project Planning team that processed the entitlement case. Projects that substantially modify a project beyond the removal of parking spaces may require additional review.