


**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

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TO: Interested Parties  
Department of City Planning Staff

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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 updated memorandum supersedes the memorandum dated December 29, 2022 and 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applicants on the implementation of AB 2097 for discretionary and ministerial projects until the time this memo is superseded.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 within half a mile of a major transit stop. AB 2097 specifies that the parking reductions in this bill do not apply to projects that designate (i.e., create or expand) any portion of the project as a hotel, motel, bed and breakfast inn or other transient lodging use, or reduce parking spaces designated for this use. A residential hotel as defined in Section 50519 of the Health and Safety Code is not considered transient lodging and can use AB 2097. 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., a complete application for an entitlement was filed and fees were paid to DCP) for a discretionary 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).

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.
3. Existing residential or commercial parking within one-half mile of the housing development project (defined in Govt. Code Sec. 65589.5).

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 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](mailto: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 increase 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.*

A parking study must be provided by the public or other interested parties as part of the evidence of a parking impact for a given project. The parking impact evidence must conform to the following 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 Greenhouse Gas (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 Charging Stations (EVCS) and Disabled Access Parking Spaces

Government Code Section 65863.2(f) of the law states that AB 2097 does not invalidate any otherwise applicable requirements regarding the provision of electric vehicle (EV) supply and charging equipment installed in parking spaces or to provide parking spaces that are accessible to persons with disabilities. The EV requirements are stated in the LAMC section beginning with Section [99.04.106.4.2](#) and Disabled Access requirements are found in Chapter 11A or 11B of the Los Angeles Building Code (LABC). Since EV and Disabled Access requirements apply to parking spaces otherwise "provided" by the development project, if any parking spaces are voluntarily provided, EV and Disabled Access standards should be complied with when applicable.

#### Additional Standards for Voluntarily Provided Vehicle Parking

When a project provides parking voluntarily, the state law specifies that 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 obligated 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.

If parking is not required but voluntarily provided, AB 2097 does not preclude the application of standards relating to accessing those spaces, their size, design and similar standards designed to ensure safety. (e.g. LAMC Section 12.21 A.5 - Design of Parking Facilities). Those standards are not affected by AB 2097 and shall remain in effect. However, restrictions on the number or percentage of compact stalls per LAMC 12.21 A.5(c), shall not be enforced. A project may provide any combination of standard or compact stalls for non-required, voluntarily provided parking as long as they also meet EV and Disabled Access requirements.

### Bike Parking

AB 2097 addresses automobile parking in areas near transit, and does not affect required bicycle parking. Therefore, the City will continue to require bicycle parking for residential and non-residential uses pursuant to the bicycle parking provisions in LAMC Section 12.21 A.16.

### Offsite Parking Affidavits, Offsite Parking Lease Agreements and Valet Parking

For an existing offsite parking affidavit, if the project site for which the parking is to be provided for is eligible to use AB 2097, the affidavit may be terminated by contacting Building and Safety for review and permitting. For an existing offsite parking lease agreement approved by City Planning, if the project site for which the parking is to be provided for is eligible to use AB 2097, the lease agreement requirement may be removed by contacting DCP and Building and Safety for review and permitting. While offsite and valet parking can not be imposed or enforced if qualified under the law, any volunteered valet parking system must follow the provisions of LAMC 103.203 including the requirement for a Valet Parking Operator permit.

### Coastal Zone

For properties located in the Coastal Zone, please refer to the [June 30, 2023 memo](#) by the California Coastal Commission. It acknowledges that minimum automobile parking requirements may not be imposed or enforced but that all other Coastal Act provisions remain, including those protecting, enhancing, and maximizing public access and recreation.

### 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 Center

The bill provides that an event center is not subject to all of the parking reductions permitted in this bill and is required to provide automobile parking required by local ordinance for employees and other workers. Since the LAMC does not currently have separate parking requirements for employees or other workers, this provision does not apply. 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 until it creates its own.

## Implementation

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 Zone Information and Map 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 Planning projects that intend to utilize AB 2097, the applicant will need to print the ZIMAS AB 2097 Eligibility map with a date-stamp that is within 180 days of the date of submission of a City Planning application, along with a written request to utilize AB 2097, preferably at the time of application. Please note that the ZIMAS AB 2097 Eligibility map printout includes an automatic date stamp. AB 2097 may also be requested after a City Planning application has been filed but prior to issuance of a letter of determination. This may result in the need for a revised application and/or plans to be submitted to the Project Planning team. In this instance, a written request is required along with the printed ZIMAS AB 2097 Eligibility map showing a date within 180 days of the date of a revised submission. Furthermore, staff verification of AB 2097 eligibility may be required to ensure accuracy with current transit and bus line data. ZIMAS is provided as a public service, and due to the dynamic nature of zoning and transportation information verification of information may be required.

For projects with an approved entitlement, the applicant shall submit the following: revised plans showing the changes made as a result of reducing automobile parking spaces; a date-stamped ZIMAS AB 2097 Eligibility map (dated within 180 days of the submission date); and, a written request to utilize AB 2097, to the Senior Planner of the Project Planning team that processed the entitlement. Project modifications may require additional review and payment of fees. For projects that are already existing and operating, please contact the Los Angeles Department of Building and Safety for instructions on how to implement AB 2097.

For a project which is submitted for a permit application with LADBS, if it is eligible to use AB 2097 at any point between submittal date and permit issuance date, or if a ZIMAS AB 2097 Eligibility map is printed with a date-stamp within 180 days prior to submittal date and provided to the assigned Plan Check Engineer, or if a Planning entitlement indicates eligibility for AB 2097, it is eligible to utilize AB 2097 for the duration of the project until the permit is finalized and/or Certificate of Occupancy is issued. Verification of AB 2097 eligibility may be required to ensure accuracy with current transit and bus line data. If a project is already in plan check or under construction, and would like to utilize AB 2097, revised plans showing the changes as a result of reducing automobile parking spaces will need to be submitted to Building and Safety for a supplemental permit. Furthermore, if there is a Planning entitlement that needs to be updated for AB 2097 eligibility, a Planning clearance approval will need to be obtained. A fee may be required to process this request.