

**ASSEMBLY BILL**

**No. 2097**

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**Introduced by Assembly Member Friedman**  
**(Coauthor: Assembly Member Lee)**  
(Coauthors: Senators Skinner and Wiener)

February 14, 2022

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An act to add Section 65863.2 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as introduced, Friedman. Residential and commercial development: remodeling, renovations, and additions: parking requirements.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. Existing law also permits variances to be granted from the parking requirements of a zoning ordinance for nonresidential development if the variance will be an incentive to the development and the variance will facilitate access to the development by patrons of public transit facilities.

This bill would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit, as defined. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking. The bill would prohibit these

provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities. The bill would exempt certain commercial parking requirements from these provisions if the requirements of the bill conflict with an existing contractual agreement of the public agency that was executed before January 1, 2023.

By changing the duties of local planning officials, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 65863.2 is added to the Government
- 2 Code, to read:
- 3 65863.2. (a) A public agency shall not impose a minimum
- 4 automobile parking requirement, or enforce a minimum automobile
- 5 parking requirement, on residential, commercial, or other
- 6 development if the parcel is located within one-half mile of public
- 7 transit.
- 8 (b) When a project provides parking voluntarily, a public agency
- 9 may impose requirements on that voluntary parking to require
- 10 spaces for car share vehicles, require spaces to be shared with the
- 11 public, or require parking owners to charge for parking.
- 12 (c) Subdivision (a) shall not reduce, eliminate, or preclude the
- 13 enforcement of any requirement imposed on a new multifamily
- 14 residential or nonresidential development to provide electric vehicle
- 15 supply equipment installed parking spaces or parking spaces that
- 16 are accessible to persons with disabilities that would have otherwise
- 17 applied to the development if this section did not apply.

1 (d) (1) Subdivision (a) shall not apply to commercial parking  
2 requirements if it conflicts with an existing contractual agreement  
3 of the public agency that was executed before January 1, 2023,  
4 provided that all of the required commercial parking is shared with  
5 the public. This subdivision shall apply to an existing contractual  
6 agreement that is amended after January 1, 2023, provided that  
7 the amendments do not increase commercial parking requirements.

8 (2) A project may voluntarily build additional parking that is  
9 not shared with the public.

10 (e) For purposes of this section, “public transit” means any of  
11 the following:

12 (1) A high-quality transit corridor as defined in subdivision (b)  
13 of Section 21155 of the Public Resources Code, except that it also  
14 includes a high-quality transit corridor included in an applicable  
15 regional transportation plan.

16 (2) A major transit stop as defined in Section 21064.3 of the  
17 Public Resources Code, except that it also includes a major transit  
18 stop that is included in an applicable regional transportation plan.

19 (f) The Legislature finds and declares that this section addresses  
20 a matter of statewide concern rather than a municipal affair as that  
21 term is used in Section 5 of Article XI of the California  
22 Constitution. Therefore, this section applies to all cities, including  
23 charter cities.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 a local agency or school district has the authority to levy service  
27 charges, fees, or assessments sufficient to pay for the program or  
28 level of service mandated by this act, within the meaning of Section  
29 17556 of the Government Code.