

AB 2097

PROJECT CHECKLIST

AB 2097¹, signed by Governor Newsom on September 22, 2022, and effective January 1, 2023, added Section 65863.2 to the Government Code. This legislation prohibits a public agency from imposing or enforcing any minimum automobile parking requirements on residential, commercial, or other development projects within a one-half (0.5) mile radius of public transit, with exceptions.

According to the Southern California Association of Government's Transit Priority Areas map, a majority of proposed projects submitted on or after January 1, 2023, in the City of West Hollywood are subject to AB 2097 and, therefore, do not have minimum automobile parking requirements applied, with a few exceptions. A map showing the parcels in the City of West Hollywood that are subject to this legislation can be found in the AB 2097 Map Layer of the City's [Zoning Map](https://go.weho.org/zoningmap) at <https://go.weho.org/zoningmap>.

Note: This legislation satisfies objectives set forth in the City of West Hollywood's adopted 6th Cycle Housing Element and Climate Action and Adaptation Plan.

PROJECT LOCATION

Project is located within a ½ mile radius of a major transit stop²: Y N
(verification by a City Planner is required)

PROJECT CRITERIA:

Project must meet all of the following criteria:

- Is a residential, commercial, or any other development project Y N
- Requires a discretionary entitlement or building permit to allow the construction, reconstruction, addition, or change of use of a structure or land³ Y N

PROJECT EXCLUSIONS:

If a housing development project contains any of the following, then AB 2097 shall not be applied:

- 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 hotel⁴ Y N
- Employee parking for an event center Y N
- Publicly accessible commercial parking subject to an agreement with the City executed before January 1, 2023⁵ Y N

FINDINGS TO IMPOSE MINIMUM PARKING REQUIREMENTS:

After an application and required fees are received, the City has an opportunity to require parking if it makes findings within 30 days that the project – without minimum parking requirements – would have a substantially negative impact on the following:

¹ [Bill Text - AB-2097 Residential, commercial, or other development types: parking requirements. \(ca.gov\)](#)

² As defined by [Section 21155\(b\) of the Public Resources Code](#).

³ For projects recently entitled but not yet issued a Certificate of Occupancy, a new application or amendment pursuant to [WHMC Section 19.62.070](#) may be submitted.

⁴ As defined in [Section 50519\(b\)\(1\) of the Health and Safety Code](#).

⁵ Parking Use Permits (West Hollywood Municipal Code (WHMC) [Chapter 19.56](#)) and Parking Credits ([Chapter 19.28.080](#)) remain active until a new applicable entitlement is approved.

- The City’s ability to meet its share of the regional housing need (based on the City’s Regional Housing Needs Assessment) for low- and very low-income households
- The City’s ability to meet any special housing needs for the elderly or persons with disabilities
- Existing residential or commercial parking within one-half mile of the housing development project

Interested parties and members of the public who believe minimum parking standards should be required are welcome to submit documentation, comments, or other information on particular projects. Please send an email referencing a project case number or street address to the assigned planner or planning@weho.org. Information about proposed projects can be found on the City’s [InfoMap](#) site.

PROJECTS INELIGIBLE FOR FINDINGS:

If the proposed project is a housing development project⁶, the City may not impose minimum parking requirements pursuant to Section 3 on projects that:

- Dedicate a minimum of 20% of all housing units to very low-, low-, or moderate-income households, students, the elderly, or persons with disabilities **Y** **N**
- Contain fewer than 20 housing units **Y** **N**
- Is subject to parking reductions under any other law **Y** **N**

APPLICABLE PARKING REQUIREMENTS:

Even if a project meets the standards set forth to qualify for AB 2097, it must still provide:

- Electric vehicle charging spaces pursuant to WHMC Section 19.28.170 and WHMC Section 13.24.015 (CalGreen Section 5.106.5.3)
- Accessible parking spaces pursuant to WHMC Section 19.28.050
- If a project includes parking voluntarily, the City may require that:
 - Spaces be provided for car-share vehicles pursuant to CalGreen Section 5.106.5.2 and in accordance with the implementation of WHMC Chapter 10.16
 - Spaces be shared with the public (e.g., not limited to a specific use or business) pursuant to Section 19.28.120 and Section 19.28.070 and in accordance with the implementation of WHMC Chapter 10.16

DISCLAIMER: This document is intended solely as a technical overview of the provisions of Assembly Bill (AB) 2097 and how it applies in the City of West Hollywood. It is not intended to serve as legal advice regarding any proposed development project nor a full listing of all provisions in the bill. Applicants should consult with city staff and their counsel when determining the applicability of these provisions to any proposed development project in West Hollywood.

⁶ Housing Development Project means a use consisting of residential units only, mixed use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing, as defined in Government Code Section 65589.5(h).