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To: Planning Directors of Coastal Cities and Counties  
From: Dr. Kate Huckelbridge, Executive Director, California Coastal Commission  
Date: June 30, 2023

**RE: Implementation of Assembly Bill 2097 (Friedman) Relating to Minimum Parking Requirements Near Major Transit Stops**

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**I. Introduction**

Effective January 1, 2023, [Assembly Bill \(A.B.\) 2097](#) (Friedman, Ch. 459, Stats. 2022) prohibits public agencies, including the Coastal Commission and local governments, from imposing or enforcing minimum automobile parking requirements on most development projects located within one-half mile of a major transit stop. This legislation may help reduce vehicle miles traveled and encourage denser infill development consistent with some of the goals of the Coastal Act. However, the law will require the Commission and local governments to implement the Coastal Act's mandate to maximize access to the coast and to coastal recreation areas in a new way. Historically, the Commission and local governments implementing their Local Coastal Programs (LCPs) have often imposed minimum parking requirements to ensure that development is consistent with the public access and recreation policies of the Coastal Act and certified LCPs. These public access and recreation policies continue to apply, but imposition of such minimum parking requirements is no longer allowed where AB 2097 applies.

This memorandum discusses how the Commission and local governments can impose other types of conditions in these areas to ensure projects and LCPs are consistent with the public access and recreation policies of the Coastal Act and certified LCPs. Still, AB 2097 is likely to cause public access impacts in the coastal zone that will be difficult to fully mitigate. It will also likely have impacts far outside the transit-rich areas it directly applies to, as inland residents and visitors may have a harder time traveling to access the coast. The public access and recreation impacts of new development that does not provide public parking can be most effectively addressed through regional and local planning, rather than at a project level review. Local governments will need to plan for and develop alternative ways for the public to access the coast from across their jurisdictions, such as through investing in public transit and developing programs that facilitate public access by, for example, creating free shuttles to the coast and additional public parking facilities. On a project level, special conditions that facilitate public transit, alternative transportation, and additional public access opportunities, such as requiring bicycle parking or in-lieu fees, may mitigate the public access and recreation impacts of development. This memorandum includes examples of LCP policies and project conditions that the Commission and local governments may impose to facilitate public access and recreation in a manner consistent with this new law.

## **II. Overview of AB 2097 Requirements**

AB 2097 prohibits public agencies from imposing or enforcing any minimum automobile parking requirements on residential, commercial, and other development projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a)).

### **a. Who**

The new law applies to public agencies, which are defined to include “the state or any state agency, board, or commission, any city, county, city and county, including charter cities, or special district, or any agency, board, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision” (Gov. Code § 65863.2(e)(4)). Accordingly, AB 2097 prohibits both local governments and the Coastal Commission from imposing or enforcing minimum parking requirements on development projects located within one-half mile of a major transit stop.

### **b. What**

AB 2097 prohibits public agencies from imposing or enforcing any minimum automobile parking requirements on residential, commercial, and other development projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a)). However, public agencies can require minimum parking standards in any of the following cases:

- Projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, unless a portion of a housing development project is designated for use as a certain kind of residential hotel (Gov. Code § 65863.2(e)(6)).
- Commercial projects where (a) the prohibition on imposing minimum parking requirements would conflict with an existing contractual agreement of the public agency that was executed before January 1, 2023, and (b) all of the required commercial parking is shared with the public (Gov. Code § 65863.2(h)(1)).<sup>1</sup>
- When a local government makes written findings that not imposing or enforcing minimum automobile parking requirements on a development would have a substantially negative impact on: (1) its ability to meet its Regional Housing Needs Assessment (“RHNA”) allocation for low- and very low income households; (2) its ability to meet certain special housing needs for the elderly or persons with disabilities; or (3) existing residential or commercial parking within one-half mile of the housing development project (Gov. Code § 65863.2(b)).<sup>2</sup> This exception to the prohibition does not apply to housing development projects that: (1) dedicate 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; (2) contain less than 20 housing units; or (3) are subject to parking reductions based on the provisions of any other applicable law (Gov. Code § 65863.2(c)).

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<sup>1</sup> This prohibition on the imposition of parking requirements also does not apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements (Gov. Code § 65863.2(h)(1)).

<sup>2</sup> This exception only applies to a city or county’s imposition or enforcement of minimum parking requirements (Gov. Code § 65863.2(b)).

In addition, public agencies must continue to impose the following existing parking requirements:

- Event centers must provide parking for employees and other workers when required by local ordinance (Gov. Code § 65863.2(d)).
- New multifamily residential and nonresidential development is required to provide electric vehicle (EV) supply equipment parking spaces and parking spaces that are accessible to persons with disabilities that would have otherwise been required (Gov. Code § 65863.2(f)).

Although public agencies may not impose minimum parking requirements on development projects in designated areas, all Coastal Act and LCP provisions other than those requiring minimum automobile parking continue to apply in these areas, including provisions relating to protecting, enhancing, and maximizing public access and recreation opportunities. Accordingly, the Commission and local governments will need to ensure that development projects within one-half mile of major transit stops comply with these Coastal Act and LCP provisions in ways other than imposing minimum parking requirements. The new law also allows developers to voluntarily provide parking, and public agencies may approve projects with such voluntarily provided parking. If a project voluntarily provides parking, AB 2097 allows a public agency to require any of the following: (1) the parking include spaces for car share vehicles, (2) spaces be shared with the public, or (3) parking owners charge for parking (Gov. Code § 65863.2(g)). A public agency may not, however, require that voluntarily provided parking be provided to residents of a housing development free of charge (*Id.*). The law does not contain a similar restriction prohibiting an agency from requiring that voluntary parking be provided to the public free of charge. Voluntarily provided parking can be considered when analyzing whether a proposed project is consistent with the Coastal Act or LCP.

### **c. Where**

AB 2097 only applies to projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a), (e)(5)). A “major transit stop” is a site containing: (1) an existing rail or bus rapid transit station;<sup>3</sup> (2) a ferry terminal served by either a bus or rail transit service; (3) 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 (4) a major transit stop identified in the applicable regional transportation plan (Gov. Code § 65863.2(e)(5), Pub. Res. Code §§ 21155(b), 21064.3). A project is considered within one-half mile of an AB 2097 major transit stop if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop (Pub. Res. Code § 21155(b)).

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<sup>3</sup> A “bus rapid transit station” means a clearly defined bus station served by mass transit service that is provided by a public agency or by a public-private partnership that includes all of the following features: (1) full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; (2) transit signal priority; (3) all-door boarding; (4) fare collection system that promotes efficiency; and (5) defined stations (Pub. Resources Code, § 21060.2).

The new law did not create (or require creation of) maps or datasets indicating where major transit stops are located. Without a centralized dataset identifying the location of major transit stops, these stops will likely need to be identified on a case-by-case basis. Coastal Development Permit (CDP) applicants and/or local governments should submit information clearly demonstrating whether the project site or proposed LCP amendment area is located within one-half mile of a major transit stop. Some local governments or associations of governments may have maps that depict major transit stops or other helpful transit information in the area. The below map viewers may be a helpful place to start when evaluating projects and LCP amendments in certain areas:

- **San Diego:** The City of San Diego maintains a [map viewer](#) that identifies transit priority areas (TPAs), which includes major transit stops in the City.<sup>4</sup> The San Diego Association of Governments (SANDAG) also maintains a [map viewer](#) with various transit information, such as rapid bus routes and rail lines, and other transit information beyond an AB 2097 “major transit stop.”
- **Los Angeles:** The Southern California Association of Governments maintains a [map viewer](#) for the Los Angeles area that identifies “high quality transit areas”, which includes “major transit stops” (as defined above).<sup>5</sup> In addition, the City of Los Angeles maintains a [map viewer](#) that identifies whether an address is eligible for AB 2097.
- **San Francisco Bay Region:** The Metropolitan Transportation Commission (MTC) [map viewer](#) for the San Francisco Bay Region identifies TPAs, which includes major transit stops in this area.<sup>6</sup>

Other metropolitan planning organizations (MPOs) and regional transportation planning agencies (RTPAs) may also have information relevant to the location of major transit stops.<sup>7</sup>

#### d. When

AB 2097 became effective on January 1, 2023.

#### e. Why

AB 2097 states that 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 (Gov. Code § 65863.2(i)). As a result, the legislation states that

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<sup>4</sup> This map viewer may be broader than the area where AB 2097 currently applies, as the viewer also identifies AB 2097 major transit stops that are planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

<sup>5</sup> This map viewer also includes “high quality transit areas” which could potentially be broader than an AB 2097 “major transit stop,” as these areas also include corridors with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. In addition, this map viewer is based on data from 2016 and may not reflect existing levels of transit service.

<sup>6</sup> This map viewer may be slightly broader than the area where AB 2097 applies as the viewer (like the San Diego viewer) also identifies AB 2097 major transit stops that are planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

<sup>7</sup> The contact information for MPOs and RTPAs is available on Caltrans’ website [here](#).

it must be interpreted in favor of the prohibition against imposing mandatory parking minimums (*Id.*).

Historically, land use agencies have required new development proposals to provide off-street parking spots for residents or users to avoid increased parking congestion and its associated impacts. The Coastal Commission and many local governments implementing their LCPs have imposed minimum parking requirements to ensure that new development is consistent with the policies of the Coastal Act and certified LCPs, including those relating to public access and recreation. In many areas, parking requirements have contributed to urban sprawl. Conflicts between the prioritization of pedestrian, bicycle, and other forms of transportation and parking requirements can occur in built-out areas where space is limited. AB 2097 could potentially lead to denser infill development and a reduction in vehicle miles traveled consistent with the goals of some Coastal Act policies such as Section 30250, which generally requires new development to be concentrated within, contiguous with, or near existing developed areas able to accommodate it, and Section 30253(d), which requires new development to minimize vehicle miles traveled. The statute's intent to reduce greenhouse gas emissions by reducing vehicle dependency is also consistent with Coastal Act Section 30253(c), which requires new development to meet air pollution control requirements imposed by the California Air Resources Board; Section 30604(h), which states that the Commission may consider environmental justice and the equitable distribution of environmental benefits statewide in permit actions; and Section 30270, which requires the Commission to take into account the effects of sea level rise, which is a direct consequence of greenhouse gas emissions and climate change, in its coastal resource planning and permitting activities.

However, AB 2097 is also likely to cause public access and recreation impacts in the coastal zone that will be difficult to fully mitigate. As discussed further below, the Coastal Act requires the Commission and local governments to protect access to our coastal shorelines and beaches. To a large extent, this access still relies on cars and parking along the coast. This is particularly the case for coastal visitors and inland residents that must travel far to reach the coast and cannot afford to live in coastal areas. AB 2097 only applies in areas with existing public transit, but it does not require that this transit be able to connect visitors and inland residents traveling from elsewhere to the coast. In the coastal zone, high costs of housing and historical exclusionary public policies and private practices such as refusing to finance home purchases for households of color and imposing deed restrictions that restricted sales of homes to certain groups based on race, creed, or color have excluded households of color and lower income households from owning and renting property on the coast.<sup>8</sup> As a result, applying AB 2097 in the coastal zone may raise environmental justice concerns as lower income households and households of color are less likely than wealthy, white households to live on the coast, and thus may have more difficulty accessing the coast without adequate public parking.

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<sup>8</sup> Coastal Commission [Report on the Historical Roots of Housing Inequity and Impacts on Coastal Zone Demographic Patterns](#) (2022). See also the Coastal Commission's [Adopted Environmental Justice Policy](#).

### **III. Application in the Coastal Zone**

Although AB 2097 prohibits the Commission and local governments from imposing minimum parking requirements on most types of development projects within one-half mile of major transit stops, the Coastal Act and certified LCPs otherwise continue to apply in these areas. Local governments should update their LCPs to conform with AB 2097 and require alternative kinds of mitigation where a project's lack of parking contributes to adverse impacts to coastal resources.

#### **a. Public Access and Recreation Provisions of the Coastal Act**

A primary goal of the Coastal Act is to maximize public access to the coast, as reflected in Sections 30001.5(c), 30210, and the other public access and recreation sections of the Coastal Act. Section 30210 of the Coastal Act requires that maximum public access and recreation opportunities to the coast be provided, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The Commission has found that the direction of Section 30210 "to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect: it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized."<sup>9</sup> In furtherance of this goal, Section 30500 of the Coastal Act requires that each LCP contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

A number of Coastal Act policies are relevant when analyzing the impacts that new development may have on public parking near the coast. New development in the coastal zone cannot interfere with existing public access, including in terms of parking (Section 30211); must generally provide public access from the nearest public roadway to the shoreline and along the coast (Section 30212); and must be located within or near existing developed areas able to accommodate it or in other areas with adequate public services where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, including public access and recreation (Section 30250). Lower cost visitor and recreational facilities, which could include public visitor parking areas, are required to be protected, encouraged, and, where feasible, provided (Section 30213). Oceanfront lands suitable for recreational use, which could include visitor parking areas, are required to be protected for recreational use and development, and upland areas necessary to support coastal recreational uses are required to be reserved for such uses, where feasible (Sections 30221 and 30223, respectively). Further, Coastal Act Section 30252 provides that the location and amount of new development should maintain and enhance public access to the coast by, among other means, providing adequate parking facilities or providing substitute means of serving the development with public transportation. Section 30212.5 of the Coastal Act requires that wherever appropriate and feasible, public facilities, including parking areas or facilities, must be distributed throughout an area to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Section 30214 allows for public access policies to consider the unique characteristics of new development, and to allow for public access

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<sup>9</sup> [City of Carpinteria Transportation Improvements LCP Amendment](#) (No. LCP-4-CPN-15-0018-1, 2015).

to be tailored in an appropriate manner considering that context. Finally, through Section 30604(h), the Commission may consider the equitable distribution of environmental benefits throughout the state, including parking to access the coast.

New development near the coast can negatively impact public access and recreation by increasing the demand for automobile parking without providing sufficient additional parking to offset this increase in demand, thus leading to fewer parking spaces available to the public for coastal access. This is particularly important for visitors and inland residents who do not live near the shoreline, for whom a trip to the beach often means using a car to transport people, pets, food, drink, and beach equipment to shoreline destinations, particularly when there is a dearth of transit alternatives to reach the beach. To ensure consistency with the public access and recreation provisions of the Coastal Act outlined above, the Commission has imposed minimum automobile parking requirements on proposed development such as requiring a minimum number of onsite parking spaces be provided or maintained by new residential development so that residents do not reduce the availability of on-street parking for visitors accessing the coast and nearby beaches.<sup>10</sup> The Commission has also imposed minimum automobile parking requirements in modifications to LCP policies for consistency with the public access and recreation provisions of the Coastal Act. For example, in recent LCP amendments proposed to update policies consistent with new state Accessory Dwelling Unit (ADU) laws, the Commission has typically imposed minimum onsite parking requirements for new ADUs located near prime visitor destinations with constrained on-street public visitor parking.<sup>11</sup> In addition, the Commission often certifies proposed LCP provisions that require that new development meet minimum automobile parking requirements.

#### **b. Alternatives to Imposing Minimum Automobile Parking Requirements**

Local governments and the Commission may no longer apply LCP policies or project conditions that require minimum automobile parking in areas designated by AB 2097. But the new law does not otherwise change the Commission's or local governments' authority to implement the Coastal Act and LCP provisions, including as it relates to visitor public parking needs. The Commission and local governments must find other ways to ensure that new development complies with the Coastal Act and LCPs. In this way, the Coastal Act and AB 2097 can be harmonized to the maximum extent feasible so that both laws apply in the coastal zone.

When analyzing projects and LCP updates, local governments should consider the impacts that proposed development located within one-half mile of a major transit stop may have on public access and recreation, and, for LCPs, what strategies can adequately mitigate the impacts of development on access and recreation consistent with the Coastal Act. Some questions to explore may include:

- How much public parking is currently available and what is the current demand for public parking?

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<sup>10</sup> See, for example, [Chen Gallagher](#) (App. No. 5-21-0522, 2021); [Reed](#) (App. No. 5-20-0656, 2021); and [Lloyd](#) (App. No. 5-21-0756, 2022).

<sup>11</sup> See, for example, [Santa Cruz ADU LCP Amendment](#) (No. LCP-3-STC-20-0015-1-Part A, 2021) and [San Luis Obispo County ADU LCP Amendment](#) (No. LCP-3-SLO-20-0059-2, 2022).

- How might the proposed development or LCP policies impact supply and demand for public parking?
- Whether alternative means of transportation to the coast that support public access and recreation are available?
- Whether a public access improvement program exists or can be established?
- Where coastal visitors are coming from, how visitors get to the coast, and what demographics visitors represent?
- Whether there is a disproportionate impact on environmental justice communities<sup>12</sup> or people with disabilities in accessing the coast, and whether there are measures available to ensure access is equitable?

This information may help frame what alternatives (e.g., public transit, car share, bikes, free shuttles) are available to maximize public access and recreational opportunities, and which Coastal Act and LCP provisions may be relevant for the analysis. Where this information does not exist or is difficult to obtain, monitoring and adaptive management LCP policies may be helpful to develop this information.<sup>13</sup>

**Planning.** Like the Commission, local governments can no longer impose minimum automobile parking requirements on most types of development projects located within one-half mile of a major transit stop. As a result, local governments must consider alternative ways of implementing the public access and recreation provisions of the Coastal Act and LCPs, such as through LCP policies that encourage the use of public transit and alternative forms of transportation in areas near major transit stops. LCPs could, for example, plan for and encourage:

- Increased public transit to visitor destination areas, such as increased transit service areas or routes, shorter intervals of service, additional bus stops, and park-and-ride lots and shuttles
- Free or low cost shuttles connected to public park-and-ride facilities that provide appropriate design (e.g., to meet the needs of beach visitors and people with disabilities) and adequate intervals and duration of service to public access and recreational areas
- Public access in-lieu/development fee programs (example provided below) intended to improve, protect, and enhance public access and recreation opportunities for people of all abilities and incomes

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<sup>12</sup> In this memo, the terms “underserved communities” and “environmental justice communities” are used interchangeably with the term “communities of concern.” All these terms refer to low-income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts.

<sup>13</sup> See, for example, the [City of Del Mar Parking Adjustments LCP Update](#) (No. LCP-6-DMR-21-0081-2, 2023), which reduced parking requirements for certain commercial uses in several areas throughout City. Commission modifications authorized the change for a limited term of eight years and required creation of an ongoing Parking Management Program that must include an inventory of existing public parking areas, analyze parking occupancy and demand, and provide recommendations to address how parking programs and services should be adjusted to maximize access to the shoreline.



- Complete streets designs and the integration of multi-modal transportation improvements, such as bike lanes and bike parking
- Development of additional public parking facilities and opportunities near coastal access and recreation areas
- Affordable Electric Vehicle (EV) charging infrastructure
- Elimination and/or prohibition of preferential parking programs for residents
- Development of low-income parking pass programs
- Regulations on public parking that encourage visitor-serving uses, such as time limits in some cases
- Shared parking arrangements that encourage or require private parking areas to be made available for public parking during times when these parking areas are underutilized
- Employee transit subsidy programs, such as reimbursement for use of alternative transportation, carpooling, or park-and-ride services<sup>14</sup>
- Transportation demand management programs, such as providing transit passes to workers, students, or residents
- Adequate bicycle parking and lockers
- Micromobility programs, such as bicycle and electric scooter rentals
- Meaningful and accessible outreach and public education on public access opportunities and alternative transportation programs<sup>15</sup>
- Other means of providing public access to and along the coast

One way for local governments to implement the public access and recreation provisions of the Coastal Act and LCPs without imposing or enforcing minimum parking requirements is to establish in-lieu fee programs that mitigate the negative impacts of development on public access and recreation. Such fees can be used to improve a variety of public access and recreation opportunities, including by providing additional parking opportunities where appropriate. For example, the City of Laguna Beach has an in-lieu parking certificates program that allows developers to pay a fee in-lieu of providing public parking, which is used to create additional public parking and to improve public transit.<sup>16</sup> In addition to this program, the City has actively encouraged multi-modal transportation, provides a free trolley service, and runs a pilot project that allows for a reduction in parking requirements when a proposed use provides for and promotes the use of alternative modes of transportation such as free shuttles, ride-sharing, carpools, public transit, bicycles and walking. As another example, the City of Hermosa Beach uses development fees to improve public access and recreation opportunities, including public parking. The Commission has conditioned several projects from Hermosa Beach that were unable to provide adequate onsite parking spaces on payment of a fee to the City to offset public access impacts of the projects.<sup>17</sup> Local governments should analyze whether in-lieu fees that fund public access programs that use their funds solely to pay for automobile parking

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<sup>14</sup> Though see Cal. Health & Safety Code § 40717.9, which limits public agencies' ability to impose employee trip reduction programs.

<sup>15</sup> See, for example, [Orange County Parks](#) (5-07-370-A2).

<sup>16</sup> See LCP Amendment No. [LCP-5-LGB-19-0139-1](#).

<sup>17</sup> See, for example, [Franco](#), 5-20-0597; [1429 Hermosa, LLC](#), 5-13-0717; [B&J Capital Group Investments](#), 5-20-0181.

improvements are consistent with AB 2097, and whether public access programs that fund other public access improvements in addition to public parking could more effectively maximize public access and recreation.

Some examples of certified LCP policies that encourage alternative forms of transportation are listed below.

- [City of Encinitas Bicycle and Pedestrian Connectivity LCP Update \(No. LCP-6-ENC-19-0158-3, 2020\)](#): Required new development to add bicycle and pedestrian interconnection opportunities between adjacent land uses through dedication of an easement. Application of this requirement is based on several factors relating to feasibility, such as topography, adjacent land uses, existing physical barriers, and access to existing trails and public access points.
- [City of San Diego Complete Communities LCP Update \(No. LCP-6-SAN-21-0033-1\)](#): Added Complete Communities program that included an optional Housing Solutions program to increase housing production by removing regulatory barriers and granting development incentives to projects that incorporate affordable housing and neighborhood-serving infrastructure amenities within TPAs; and a mandatory Mobility Choices requirement for development to fund or provide amenities and active transportation infrastructure designed to reduce Vehicle Miles Traveled (VMT), or pay an in-lieu fee.
- [City of Morro Bay Comprehensive LCP Update \(No. LCP-3-MRB-21-0047-1, 2021\)](#): Added LUP policies emphasizing public transit, active transportation, and pedestrian and bicycle amenities particularly in waterfront and downtown areas.
- [City of Half Moon Bay Downtown Revitalization LCP Update \(No. LCP-2-HMB-20-0019-1, 2020\)](#): Reduced parking requirements in certain mixed-use and residential zoning districts in the City, as supported by parking demand studies, and implemented strategies to promote a more pedestrian-oriented active downtown area.

Unlike individual projects, LCPs can help provide a vision and plan for alternative means of access and transportation throughout a local jurisdiction. Policies and programs that may reduce the public access impacts resulting from scarce public parking in coastal areas, such as new or increased public transit and multimodal options, are often better addressed in LCPs rather than on a project-by-project basis. Accordingly, local governments should update their LCPs to protect and maximize public access and recreation in ways other than minimum automobile parking requirements in areas where AB 2097 applies.

**Permitting.** In some cases, a project applicant may voluntarily propose adequate parking, alternative modes of transportation, or other project components that fulfill the requirements of the Coastal Act and LCPs. In other cases, the Commission and local governments will need to impose special conditions other than minimum parking requirements that allow the project to be consistent with the Coastal Act and LCP public

access and recreation provisions.<sup>18</sup> Some examples of conditions other than minimum parking requirements that the Commission has imposed to make a project consistent with the public access and recreation provisions of the Coastal Act or relevant LCPs include:

- **Public transit and alternative transportation conditions.** The Coastal Act emphasizes the importance of public transit and alternative means of transportation in facilitating public access and reducing VMT. Coastal Act Section 30252 provides that:

*the location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

In addition, Section 30253 requires new development to minimize energy consumption and VMT and to meet air pollution control requirements, which can include the facilitation of public and alternative means of transportation. AB 2097's prohibition on imposing minimum parking requirements only applies in areas within one-half mile of major transit stops. Accordingly, projects in these areas are more likely to be able to mitigate their public access and recreation impacts through public and alternative transportation measures than projects in areas with more limited public transit. It may not be feasible, however, to condition single-family residences and other types of smaller residential development on the provision of public or alternative transportation measures that must be coordinated across a large area to work effectively (e.g., bus, bike, or rail infrastructure), unless a local government or other entity has a program that can manage and coordinate the required public and alternative transportation measures. Some examples of CDPs that mitigated for public access impacts through support or development of public and alternative transportation options—such as transportation demand management programs, bicycle parking and infrastructure, support for public transit, and reduced rates for car-free hotel rooms—are below.

- [McKinley Family Trust \(App. No. 5-20-0598, 2021\)](#): Conversion of existing retail space to restaurant located approximately 200 feet from beach;

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<sup>18</sup> In some circumstances, a local government may still impose minimum automobile parking requirements when it makes written findings that not imposing or enforcing minimum automobile parking requirements on a development project would have a substantially negative impact on existing residential or commercial parking within one-half mile of a housing development project or for the other reasons specified in AB 2097 (Gov. Code § 65863.2(b)).

mitigated impacts on public access by applicant's proposal to contribute \$3,000 annually to the City of San Clemente to fund multi-modal access (a portion of which will be used to fund two new metered public parking spaces in the vicinity), and through a Transportation Demand Management Program (TDMP) that included reimbursing all employees for 100% of the public transportation fares incurred to travel to and from work and an employee education program informing employees of public transit options, ridesharing, and bicycle infrastructure nearby with the aim of reducing the need for on-site parking at the project site.

- [Franco \(App. No. 5-20-0597, 2021\)](#): Conversion of existing apartment complex with no on-site parking into a new hotel with two parking spaces located less than 350 feet from the beach; mitigated impacts to public access by applicant's proposal and special conditions requiring a TDMP that included 12 bicycles provided on-site to hotel guests at no cost, a new 16-bicycle rack within the City of Hermosa Beach's right of way, free transit passes to hotel employees, rooms provided to guests who arrive at the hotel without an automobile at a 10% discount, and two rooms always designated as "car-free," in addition to a \$28,900 in-lieu fee paid to the City for each required parking space not provided on-site..
  - [Street Retail West II, LP \(App. No. 5-20-0522, 2021\)](#): Conversion of existing retail structure with no onsite parking into a recreational fitness center located 0.2 miles from the beach and near high quality transit options; mitigated impacts to public access through proposed TDMP that included reimbursing all employees 100% of public transportation fares, provision of lockers and showers to employees and customers who choose alternative forms of transportation to and from the premise, and inclusion of an information center at the front desk to publicize the TDMP, and City of Santa Monica-required in-lieu fee for bicycle parking.
  - [Ocean Avenue, LLC \(App. No. 5-21-0139\)](#): Redevelopment of an existing hotel with 103 on-site parking spaces into a new mixed-use development with 428 on-site parking spaces; mitigated impacts to traffic congestion and parking in visitor-serving downtown area with a new wayfaring plan and included special conditions requiring a TDMP that included monetary incentives and free transit passes for carpooling employees; discounts for residents that do not require a parking spaces, 342 bicycle parking spaces, and 43 electrical vehicle charging spaces. The TDMP included surveys to determine whether vehicle miles traveled had been successfully lowered.
- **Public Access and Recreation Fees.** In appropriate cases, a public access and recreation fee could be imposed as mitigation for development that will negatively impact public access and recreation, including by increasing demand for public parking near coastal access areas. A fee that is paid into an established public access and recreation program may be able to mitigate part or all of these impacts. Such fees might be held and managed by a state agency (e.g., Coastal Conservancy) or local government, nonprofit, or other third party. The Commission has conditioned projects on payment of a fee to support public access and recreation improvements in combination with other mitigation, such as transportation demand management programs, in several cases where the

development would negatively impact public parking near coastal access areas.<sup>19</sup> If a mitigation fee is imposed, findings for project approval would need to demonstrate that the required mitigation will be related to (i.e., has a nexus with) the project's impacts and is proportional to that impact. Findings should also describe how the Coastal Act or LCP requires maximization of public access and recreation opportunities even though minimum parking requirements may not be imposed, and how the mitigation will address the project's impacts without minimum parking requirements. Local governments should work with their legal counsel to ensure that any such findings and public access and recreation programs appropriately harmonize the Coastal Act, LCPs, and AB 2097.

- **EV Infrastructure and Accessible Parking Spaces.** The Commission has approved many projects that provide accessible parking and has required EV infrastructure in projects, such as large commercial projects, with public access and recreation impacts.<sup>20</sup> AB 2097 does not prohibit public agencies from imposing requirements for EV charging equipment parking spaces or for parking spaces that are accessible to persons with disabilities on new multifamily residential and nonresidential development if those requirements would have otherwise applied to the development (Gov. Code § 65863.2(f)). Accordingly, the Commission and local governments may continue to require EV charging infrastructure and accessible parking on multifamily residential and nonresidential development located within one-half mile of a major transit stop. However, the number of spots limited to EV parking should be considered in the context of the overall parking availability at a location to ensure that adequate parking remains for all as the state transitions to more affordable and accessible EVs for all Californians.
- **Voluntarily Proposed Parking.** When a project applicant proposes to include parking as part of the project, the Commission and local governments can require that the provided parking be shared with the public and include spaces for car share vehicles (Gov. Code § 65863.2(g)). Voluntarily proposed parking can be considered when assessing a project's consistency with the Coastal Act or LCP.
- **Monitoring and Adaptive Management.** To protect public access and recreation to and along the coast in the absence of applying minimum parking standards, local governments should monitor and evaluate the impact to public access and recreation in and near areas where such parking standards no longer apply, including the availability and effectiveness of alternative transportation, public parking supply and overcrowding, impact of any timing or other parking restrictions, and the changes in visitation to the area (e.g., numbers of visitors, local versus regional, statewide or international visitorship). The above measurements should include demographics (such as income, race, ethnicity) to understand access impacts to environmental justice communities. In addition, potential public access and recreation issues should be documented in findings, and conditions could

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<sup>19</sup> See, for example, [Franco](#), 5-20-0597; [1429 Hermosa, LLC](#), 5-13-0717; [B&J Capital Group Investments](#), 5-20-0181.

<sup>20</sup> See, for example, [Panattoni Development Co.](#) (Appeal No. A-5-LOB-20-0006, 2021), and [California Department of Parks and Recreation, Trippet Ranch](#) (App. No. 4-21-068, 2022).

require monitoring and potential adaptive management for the proposed development, as appropriate.

- **Enforcing Existing Public Parking Regulations.** Local governments should prioritize monitoring public parking availability and enforcing public parking regulations, such as time limits, particularly in parking constrained coastal areas.

Other special conditions could include, for example, public parking time limits, real estate disclosures identifying and acknowledging existing parking limitations, or programs for resident notification of parking limitations.

In sum, local governments must ensure that new development located in areas where AB 2097 applies mitigates its public access and recreation impacts by imposing alternative project conditions where necessary, in conjunction with updated LCP policies that facilitate alternative means or programs for the public to access and recreate at the coast.

#### **IV. Conclusion**

The Commission and local governments should harmonize the public access and recreation provisions of the Coastal Act and LCPs with the requirements of AB 2097 to the maximum extent feasible. AB 2097 is a potential step towards reducing our car-centric manner of accessing the coast. However, AB 2097 is likely to have impacts on visitors and inland residents that will be difficult to fully mitigate. Implementation in the coastal zone requires careful analysis and an increased emphasis on alternative ways of providing access to the coast. The Commission and local governments can require and plan for alternatives to imposing minimum automobile parking requirements for development located within one-half mile of a major transit stop, such as LCP amendments encouraging public transit and multi-modal transportation and CDP conditions requiring alternative and public transit amenities. Local governments are encouraged to work closely with Coastal Commission staff to develop strategies that can mitigate for the increased demand for public parking in these areas to the maximum extent feasible and in an equitable manner.

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