

This bulletin provides an overview of the restrictions imposed by the state legislature under AB 2097 on the city's ability to require minimum parking standards on certain private development projects.



## BACKGROUND

Most cities, including Carlsbad, have historically required that new residential and commercial development provide onsite parking spaces to sufficiently accommodate occupants and customers and reduce impacts to neighboring land uses. The commonly applied parking standard is formula based, where the minimum number of required parking spaces is dependent upon the size and type of use being built. For example, Carlsbad requires one parking space for every 100 square feet of restaurant space, two parking spaces for each apartment unit with two or more bedrooms, and so on.

Based largely on a body of academic research regarding the potential impacts minimum parking ratios have on car ownership, vehicle miles traveled, and use of public transit, the state legislature passed AB 2097, which added Government Code §65863.2, that effectively eliminates parking requirements in new residential and commercial developments when located within a half-mile of a major transit stop.

According to the Assembly Floor Analysis on AB 2097, the study found that in buildings with no on-site parking, only 38% of households owned a car, but in buildings with at least one parking space per unit, the study found that more than 81% of households owned automobiles. As such, by eliminating parking minimums in new development, the state legislature figures that fewer households will rely on the automobile for transportation.

## Documents Referenced

Carlsbad Village Station Eligible Parcels; [Map](#)  
 Poinsettia Station Eligible Parcels; [Map](#)  
 Carlsbad Housing (Element) Plan; [IB-137](#)  
 2021-2029 Housing Element; [Plan](#)  
 Carlsbad Parking Standards; [§21.44](#)  
 EV Charging Station Requirements; [§18.22](#)  
 EV Charging Permit Streamlining; [IB-165](#)  
 Density Bonus; [IB-112](#)  
 Supportive Housing Defined; [§21.04.355.1](#)  
 Transitional Housing Defined; [§21.04.362](#)  
 CA Coastal Commission Memo; [Policy](#)

Developers could still voluntarily provide onsite parking (and many likely will), but the number of parking spaces provided will be based on builder preference and market demand, not by city-established minimum parking standards.

The state legislature's intent with this action, which is effective January 1, 2023, is that it will help drive down construction costs, reduce vehicle traffic, increase public transit ridership, and promote walkable and bikeable communities so people can get around without a car, which will reduce the greenhouse gas emissions responsible for climate change.

## NEW STATE LIMITS ON PARKING

### AREAS AFFECTED

Pursuant to Government Code §65863.2(a), a city cannot impose or enforce any minimum automobile parking requirements on a residential, commercial, or other development project (except for hotels, motels, short-term rentals, or other transient lodging --- city parking standards still apply to those) if the project is located within one-half mile of public transit. The state defines public transit as a "major transit stop," containing any one of the following:

- Fixed rail station
- Bus rapid transit stop
- high-quality transit corridor included in a regional transportation plan
- Intersection of two or more major bus routes where buses stop every 15 minutes or less during peak commute periods

The city does not have any high-quality transit corridors per SANDAG's 2021 Regional Transportation Plan. And North County Transit District's Breeze bus system, does not meet the bus stop requirements and therefore does not qualify.

Currently, there are only two locations in the city that meet the definition of public transit --- Carlsbad Village Station and Poinsettia Station. Maps have been provided showing those parcels that are subject to §65863.2. See "Documents Referenced" above.

In cases where only a portion of the project site is located within one-half mile of a major transit stop, the following standards must be met in order to be eligible.

- At least 75% of the total project site is located within one-half mile of a major transit stop; and
- At least 90% of the proposed residential units, or 100 units or more, whichever is less, are located one-half mile of a major transit stop.

Projects failing to meet these requirements do not qualify for the allowances under §65863.2 and must meet current city parking standards.



## EV CHARGING & ADA PARKING

Irrespective of proximity to public transit, state law allows the city to continue to apply minimum parking standards for electric vehicle (EV) charging stations as well as required parking spaces accessible to persons with disabilities (ADA).

- For EV stations, the required number of EV parking spaces for residential projects is provided in Table 4.106.4.3.1 of Carlsbad Municipal Code (CMC) §18.21.040. For nonresidential projects, EV parking space requirements are provided in Table 5.106.5.3.3 of CMC [§18.21.050](#). The parking requirement is based on the total number of actual parking spaces that would have otherwise applied to

the development if the state code section did not exist. Refer to [IB-165](#) for an overview of the city's streamlining provisions and alternative standards for EV charging stations.

- For ADA parking, the city applies the standards set forth in Chapter 1109A (multifamily) and Chapter 11B (commercial) of Title 24, Volume 1 of the 2023 CA Building Code. Like EV spaces, the total number of ADA spaces is based on the total number of actual parking spaces that would have otherwise applied to the development.



## EXEMPTIONS

The city may apply its minimum parking standards to a proposed project if it makes written findings that failure to impose parking standards will result in one of the following to occur.

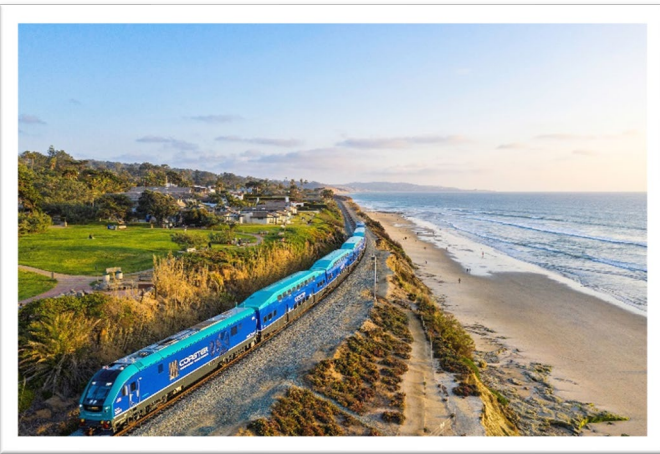
- Hinders the city's ability to meet its share of low- and very low-income housing. Refer to [IB-137](#) for more on the city's Housing Element and Regional Housing Needs Assessment requirements.
- Hinders the city's ability to meet any special housing needs for elderly or persons with disability. Refer to the city's [2021-2029 Housing Element](#) for more information.
- The proposed "housing development project" will negatively impact existing residential or commercial parking that is located within one-half mile of the project. The state defines a "housing development project" as either:
  - A 100% residential development; or
  - Mixed-use development where at least 2/3 of the project is designed for residential use; or



- Project includes [transitional housing](#) or [supportive housing](#).

The city exemption determination must be supported by a preponderance of the evidence in the record showing that not imposing or enforcing minimum parking standards would have a substantially negative impact on the above referenced development.

The exemption finding must be made by the city within 30 days following receipt of a completed application.



## EXCEPTIONS TO THE EXEMPTIONS

Government Code §65863.2(c) provides a list of specific project types that are not subject to the above exemption provisions. In other words, the city cannot impose minimum parking standards on the following housing development projects, irrespective of whether the above discussed exemption findings can be made.

- The housing development project contains fewer than 20 housing units.
- The housing development project dedicates a minimum of 20% of the total housing units to very low-, low-, or moderate-income households, students, elderly, or persons with disabilities.
- The housing development project is subject to parking reductions based on the provisions of any other applicable law. As an example, the proposed development is a density bonus project, which offers reduced parking standards for development projects. Please refer to [IB-112](#) for more on density bonus law.

## PARKING SPACES PROVIDED VOLUNTARILY

When a project voluntarily provides parking, the city is limited to only imposing the following parking requirements:

- The city may require that the voluntary parking spaces meet established minimum location and design standards.
- If a project voluntarily provides parking spaces, the city can require that the spaces be available to the public.
- If a project voluntarily provides parking spaces, the city can require that a parking fee be charged to residents or customers for use. Conversely, the city cannot require that the voluntarily provided parking spaces be offered to the residents or customers free of charge.



## PROPERTIES IN THE COASTAL ZONE

Development in the Coastal Zone requires a Coastal Development Permit consistent with Carlsbad Municipal Code (CMC) Chapter [21.201](#). Following adoption of AB 2097, the California Coastal Commission released on June 30, 2023 a [memorandum](#) discussing how the Commission and local governments can impose other types of conditions in these areas to ensure projects and Local Coastal Programs (LCPs) are consistent with the public access and recreation policies of the Coastal Act (Chapter 3) and certified LCPs. These other types of conditions may assist the city in making the necessary findings to approve required Coastal Development Permits ([§21.201.080\(C\)](#)).

## YOUR OPTIONS FOR SERVICE

Questions pertaining to this state law, please contact the Planning Division at 442-339-2600 or via email at [Planning@CarlsbadCA.gov](mailto:Planning@CarlsbadCA.gov).

