



CITY OF CORONADO
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Coronado, California 92118
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Appeal Hearing Form

Appellant: Simon Gundi
Appellant's Rep.:
Mailing Address:
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Phone #:
Fax #:
Alt Phone #:
Alt Phone #:
Email:
Email:
Signature:
Signature:

This Appeal is relative to the action taken by the: Community Development
Board, Commission, Committee, or Department

Date of Determination: Nov 26, 2025
Mo/Day/Year

For the project known as:
Nicky Rottens Parking AB 2097

Project Address:
100 Orange Ave Coronado CA 92118

For City Use:

Table with 2 columns: Checklist items (Appeal Fee Paid, Application Complete, Number of Copies) and associated information (Receipt No., City Dept., Case No., Supplemental Materials).

Appellant's Interest in the Appealed Determination:

See attached

Explain each reason why the review is being requested, including the grounds for the appeal, and provide the supporting relevant code sections:

See attached

AN INCOMPLETE APPEAL SHALL BE RETURNED TO YOU AND CONSIDERED TO BE INAPPROPRIATELY FILED. THE APPEAL PERIOD EXPIRES 10 DAYS AFTER THE DETERMINATION AND CANNOT BE EXTENDED TO ACCOMMODATE ADEQUATE COMPLETION OF THE APPEAL FILING.

ONLY MATERIALS SUBMITTED BY THE DEADLINE WILL BE CONSIDERED AT THE HEARING

Nicky Rottens Appeal of Director's Interpretation

Appellant's Interest in the Appealed Determination

As owners and operators of Nicky Rottens Restaurant at 100 Orange Avenue through the Nicky Rottens Investment Group, we have a direct financial and operational interest in the Director's interpretation. The ongoing enforcement of minimum parking requirements under the 2012 Joint Use Parking Plan imposes significant costs (tens of thousands of dollars annually in leasing fees), which AB 2097 prohibits. We are Coronado residents and business owners seeking to exercise rights under state law to eliminate unenforceable requirements.

Explain each reason why the review is being requested, including the grounds for the appeal, and provide the supporting relevant code sections:

We respectfully appeal the Community Development Director's November 26, 2025, written interpretation (or denial thereof) under Orange Avenue Corridor Specific Plan (OACSP) Section III.A.4, which states that the Director shall interpret the provisions of the Specific Plan in written form, and any person may request review by the Planning Commission.

The Director's response erroneously concludes that:

- 1) There is no qualifying major transit stop in Coronado.
- 2) Any change to parking standards would require approval from the City Council and Coastal Commission for AB 0297 to take effect.
- 3) AB 2097 (Government Code § 65863.2) applies only to "new development."
- 4) No interpretation is needed because AB 2097 is outside the OACSP's scope.

This interpretation conflicts with state law, which preempts local parking mandates, and directly affects the OACSP's parking provisions (e.g., OACSP Section IV.B.3 requiring minimum off-street parking). We request the Planning Commission reverse this determination and confirm that AB 2097 prohibits the City from enforcing minimum parking requirements on our property, including the 2012 Joint Use Parking Plan (Resolution No. 8527 and associated covenant).

Ground 1: The Coronado Ferry Landing Qualifies as a Major Transit Stop (Pub. Res. Code § 21064.3; Gov. Code § 65863.2(e)(5); HCD Technical Advisory, p. 3; Caltrans Letter).

The Director disputes the Ferry Landing's status as a qualifying major transit stop, citing private operation, U.S. DOT designations, and MTS Route 904's 60-minute frequency. However, the

state's definition of "major transit stop" includes "a ferry terminal served by either a bus or rail transit service." Ownership (public/private) is irrelevant; HCD confirms: "Ferry terminals, irrespective of ownership type, served by transit qualify." The 20-minute frequency applies only to bus route intersections, not ferry terminals served by bus (Pub. Res. Code § 21064.3(b)). The Ferry Landing is served by MTS Route 904, connecting to the broader MTS network. Caltrans confirms:

Furthermore, according to Caltrans, "The Coronado Ferry Terminal qualifies as a Major Transit Stop as a ferry terminal served by bus transit" (attached letter, May 1, 2025). The OPR CEQA Site Check Tool lists it as a "Major Transit Stop" using statutory definitions (attached printout).

The subject property at 100 Orange Ave is ~0.1–0.2 miles from the Landing (attached map), well within 0.5 miles.

Mr. Grunow's claim is easily refuted by the plain reading of California definition of a Major Transit Stop and the legal opinions of various state agencies.

Ground 2: No Coastal Commission Approval or LCP Amendment is Required for AB 2097's Application (Coastal Commission Memo; Gov. Code § 65863.2).

The Director suggests changes require City Council and Coastal Commission approval.

However, the Coastal Commission Memo on AB 2097 guidance specifically states: "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."

The law, AB 2097, is self-executing and preempts local regulations without immediate LCP amendments, though long-term updates for alternative access mitigations (e.g., transit investments) are recommended: "Local governments should update their LCPs to conform with AB 2097 and require alternative kinds of mitigation."

Mr. Grunow's claims run contrary to the plain text of AB 2097, guidance from HCD, and guidance from the California Coastal Commission.

Ground 3: AB 2097 Applies to Existing Developments and Prohibits Ongoing Enforcement of Pre-Existing Parking Requirements (Gov. Code § 65863.2(a), (h); HCD Technical Advisory, FAQ 6 & 8).

The Director claims AB 2097 "only applies to new development" and does not relieve compliance with existing permits.

However, the plain text of the law states: "A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit."

This prohibition is prospective, barring enforcement after January 1, 2023, even for pre-existing agreements.

The HCD Technical Advisory clarifies: "In addition to new construction, AB 2097 also applies to changes of use in existing buildings or structures, including the creation or expansion of qualifying uses." Per HCD technical advisory, yes, AB 2097 can eliminate an existing parking agreement.

The Director's claim that AB 2097 applies only to "new development" is directly contradicted by HCD's technical guidance, which explicitly states that the law can eliminate existing parking agreements executed before January 1, 2023. Logically, if AB 2097 can nullify pre-existing agreements then it must extend beyond new developments, as new projects inherently lack such legacy agreements.

Ground 4: OACSP Interpretation Must Account for State Preemption (OACSP III.A.4; Gov. Code § 65863.2(i)).

The Director claims no interpretation is needed as AB 2097 is "outside" the OACSP. However, state law preempts conflicting local provisions, and the Legislature directs interpretation "in favor of the prohibition of the imposition of mandatory parking minimums" (Gov. Code § 65863.2(i)). OACSP parking standards (e.g., Section IV.B.3) are unenforceable here due to preemption.

Request:

We request the Commission interpret the OACSP consistent with AB 2097, declare the 2012 requirements unenforceable, and direct staff to cease enforcement. If denied, we reserve rights to escalate to City Council, HCD, or court.

Attachments:

Attachment A: Letter From Caltrans Identifying the Coronado Ferry Terminal as a Major Transit Stop

Attachment B: HCD Technical Guidance on AB 2097

Attachment C: Email Correspondence with City

Attachment A: Letter from Caltrans

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation



(619) 688-6723
www.dot.ca.gov

May 1, 2025

To Whom It May Concern,

This letter is being written to confirm that the Coronado Ferry Terminal, located in Coronado is considered a Major Transit Stop by state statute. The Coronado Ferry Terminal qualifies as a Major Transit Stop as a ferry terminal served by bus transit.

Sincerely,

Joshua Pulverman
Chief, Office of Transit Planning
Division of Transportation Planning
Caltrans Headquarters on behalf of District 11

California Department of Housing and Community Development

TECHNICAL ADVISORY

On the Implementation of AB 2097, Prohibition on Minimum Parking Requirements (Statutes of 2022)



Housing Policy Development Division
January 2025

Contents

Section 1. Introduction.....	2
Section 2. Key Provisions of AB 2097	3
Section 3. Project Site Eligibility	4
Section 4. Determining AB 2097 Eligibility.....	5
Section 5. Frequently Asked Questions (FAQs)	5
Voluntary and Required Parking	5
Project Eligibility	6
Major Transit Stop Eligibility	6
Regional Transportation Plan (RTP)	7
Transit Service Frequency	7
Section 6. Recommended Methodologies	8
Peak Morning and Afternoon Commute Periods	8
Peak Period Bus Service Interval Frequency	9
Intersections of Two or More Major Bus Routes	9
Bus Rapid Transit (BRT) Stations	9
Section 7. Links to Other State Resources.....	9
Section 8. AB 2097 Statute (Government Code Section 65863.2).....	10

SECTION 1. INTRODUCTION

On September 22, 2022, Governor Newsom signed Assembly Bill (AB) 2097 (Chapter 459, Statutes of 2022), which aims to promote more affordable housing solutions and reduce greenhouse gas emissions by removing mandatory parking minimums within one-half mile of major transit stops (with some exceptions) and addressing excess parking spaces that drive up costs. This law took effect on January 1, 2023.

On September 19, 2024, Governor Newsom strengthened these efforts by signing AB 2553 (Chapter 275, Statutes of 2024), which expands the definition of “major transit stop” by increasing the frequency of bus service intervals to 20 minutes or less during peak periods. This portion of the law takes effect January 1, 2025.

In combination, AB 2097 empowers developers and communities to prioritize housing and other development projects near transit hubs, which supports more sustainable and connected communities while addressing California’s critical housing and climate challenges.

The California Department of Housing and Community Development (HCD) has authority to enforce AB 2097 pursuant to Government Code section 65585, subdivision (j)(12). This technical advisory provides guidance and considerations regarding implementation of AB 2097.

SECTION 2. KEY PROVISIONS OF AB 2097

The applicable statutory citations that define the provisions of AB 2097 can be found in the following sections of the Government and Public Resources Codes.

AB 2097		Statute
1	A public agency shall not impose or enforce any minimum automobile parking requirement on eligible residential, commercial, or other development projects located within one-half mile of public transit.	Gov. Code, § 65863.2, subd. (a)
2	“Public transit” means a “major transit stop” as defined in Public Resources Code section 21155.	Gov. Code, § 65863.2, subd. (e)(5)
3	“Major transit stop” is defined in Public Resources Code section 21064.3. A project shall be considered to be within one-half mile of a 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. Major transit stops that are included in the applicable regional transportation plan also qualify.	Pub. Res. Code, § 21155, subd. (b)
4	“Major transit stop” means a site containing any of the following: (a) Existing rail or bus rapid transit station. (b) Ferry terminal served by either a bus or rail transit service. (c) Intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.	Pub. Res. Code, § 21064.3
5	(a) “Bus rapid transit” means a public mass transit service provided by a public agency or by a public private partnership that includes all 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. (5) Defined stations. (b) “Bus rapid transit station” means a clearly defined bus station served by a bus rapid transit.	Pub. Res. Code, § 21060.2
6	The “applicable regional transportation plan” is prepared by a metropolitan planning organization (MPO) as part of the organization’s sustainable communities strategy. There are 18 MPOs throughout the state of California.	Pub. Res. Code, § 21155, subd. (a)

SECTION 3. PROJECT SITE ELIGIBILITY

Whether AB 2097 prohibits a public agency from imposing minimum parking requirements on a development project depends on the proposed land use or whether there is a commercial parking agreement in place. For residential projects, the applicability of AB 2097 depends on the type of proposed housing, total number of housing units, and proposed affordability mix.

Table 1. Project Site Eligibility

AB 2097 prohibition on minimum parking requirements...	
<p>Does not apply to the following uses or circumstances ➔</p>	<ul style="list-style-type: none"> ▪ Event centers.¹ ▪ Hotel, motel, bed and breakfast inn, or other transient lodging.² ▪ Commercial parking in a contractual agreement with a public agency, executed before January 1, 2023.³
<p>Applies without exceptions to the following uses ➔</p>	<ul style="list-style-type: none"> ▪ Development containing fewer than 20 housing units.⁴ ▪ Affordable, senior, student, or special needs housing, where at least 20 percent of the total number of units are dedicated to very low-, low-, or moderate-income households, students, the elderly, or persons with disabilities.⁵ ▪ Developments subject to other state law parking reductions.⁶
<p>Applies with exceptions* to the following uses ➔</p>	<ul style="list-style-type: none"> ▪ Other residential-only developments.⁷ ▪ Other mixed-use developments with at least two-thirds of the square footage designated for residential use.⁷ ▪ Transitional or supportive housing.⁷ ▪ Commercial and other developments.⁸ ▪ Residential hotels, as defined in Health and Safety Code section 50519.²
<p>*EXCEPTIONS. A local public agency can make written findings—supported by a preponderance of evidence—within 30 days of the receipt of a completed application that having no minimum parking requirements would have a substantially negative impact on any of the following:</p> <ul style="list-style-type: none"> ▪ Regional Housing Needs. The local jurisdiction’s ability to meet its share of the regional housing need for low- and very low-income households.⁹ ▪ Special Housing Needs. The local jurisdiction’s ability to meet housing needs for elderly or persons with disabilities as identified in Government Code section 65583, subdivision (a)(7).¹⁰ ▪ Existing Residential or Commercial Parking. Within 0.5 mile of the development project.¹¹ 	

¹ Gov. Code, § 65863.2, subd. (d).

² Gov. Code, § 65863.2, subd. (e)(6).

³ Gov. Code, § 65863.2, subd. (h)(1).

⁴ Gov. Code, § 65863.2, subd. (c)(2).

⁵ Gov. Code, § 65863.2, subd. (c)(1).

⁶ Gov. Code, § 65863.2, subd. (c)(3).

⁷ Gov. Code, § 65863.2, subd. (e)(1).

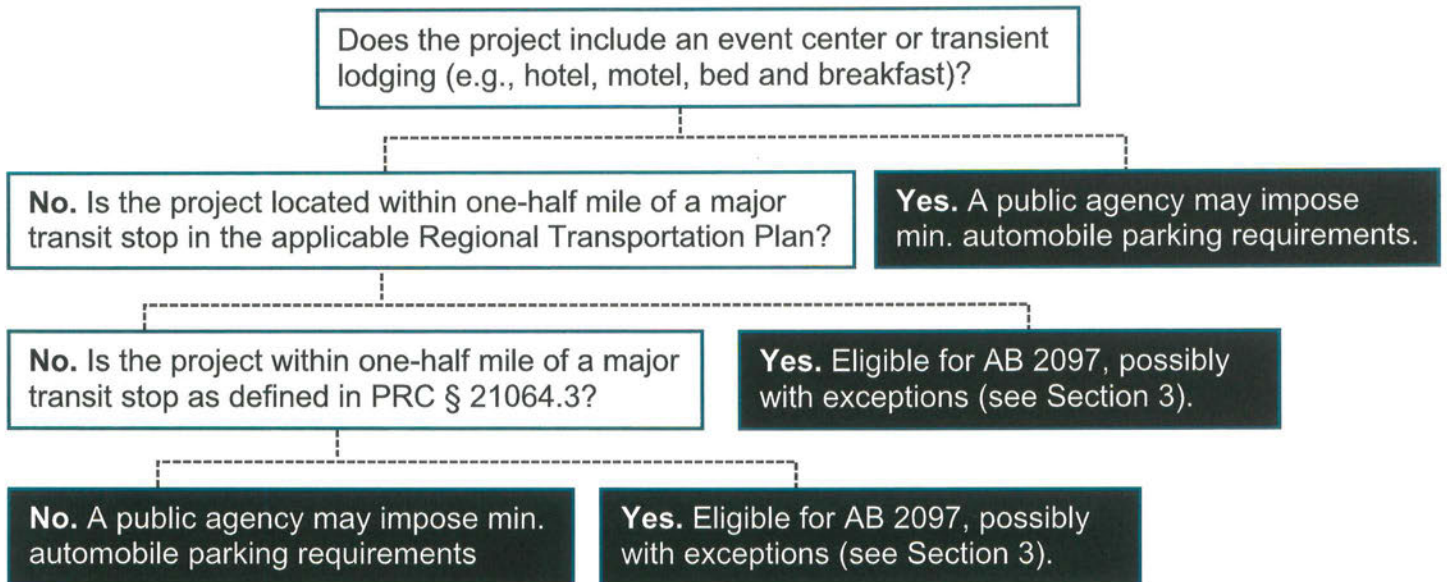
⁸ Gov. Code, § 65863.2, subd. (a).

⁹ Gov. Code, § 65863.2, subd. (b)(1).

¹⁰ Gov. Code, § 65863.2, subd. (b)(2).

¹¹ Gov. Code, § 65863.2, subd. (b)(3).

SECTION 4. DETERMINING AB 2097 ELIGIBILITY



SECTION 5. FREQUENTLY ASKED QUESTIONS (FAQS)

Voluntary and Required Parking

- 1. Can a public agency still require parking in certain circumstances?**
 Yes, but only in limited situations and only for certain types of projects – see Section 3 (Project Site Eligibility).¹²
- 2. Is voluntary parking allowed?**
 Yes. AB 2097 prohibits minimum required parking for qualifying projects but does not impose a maximum parking standard. An applicant may choose to add parking even if they qualify for a full parking exemption under state law, although local jurisdictions may impose a maximum parking requirement. A public agency may require voluntary parking spaces be used for car share vehicles, be made publicly available (e.g., not assigned to a specific use or business), or be charged a parking fee, but cannot require that any voluntary parking is free of charge to residents.¹³
- 3. Does AB 2097 apply to commercial or other non-residential development?**
 Yes. AB 2097’s prohibition on minimum parking requirements also extends to commercial, industrial, and other non-residential land uses – with exceptions. See Section 3 (Project Site Eligibility).¹⁴
- 4. Can a public agency still require accessible or electric vehicle (EV) parking?**
 Yes, a public agency can still require the same percentage or number of accessible and EV parking spaces as would have otherwise applied if AB 2097 did not apply, based on local and state requirements. AB 2097 does not change (i.e., reduce, eliminate, or preclude enforcement of) the minimum parking requirement for spaces that are accessible for persons with disabilities or provide charging equipment for EVs.¹⁵

¹² Gov. Code, § 65863.2, subd. (b).

¹³ Gov. Code, § 65863.2, subd. (g).

¹⁴ Gov. Code, § 65863.2, subd. (a).

¹⁵ Gov. Code, § 65863.2, subd. (f).

A public agency should be aware that it may eliminate local parking standard requirements and nonetheless require accessible and EV parking, for example, calculated as a percentage of provided parking.

5. Can a public agency still require bicycle parking?

A public agency may require and enforce bicycle parking. AB 2097 applies solely to automobile parking requirements.¹⁶

Project Eligibility

6. Does AB 2097 only apply to new “ground-up” development projects?

No. In addition to new construction, AB 2097 also applies to changes of use in existing buildings or structures, including the creation or expansion of qualifying uses. See Section 3 above for Project Site Eligibility.

7. Which public agencies does AB 2097 apply to? What about the coastal zone?

AB 2097 defines “public agency” to mean 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.¹⁷ AB 2097 applies to public agencies, which includes the Coastal Commission. See [memo](#) by the California Coastal Commission, dated June 30, 2023.

8. Can AB 2097 be used to eliminate an existing parking agreement?

Yes, with the exception of contractual commercial parking agreements with a public agency that were executed before January 1, 2023.¹⁸

Major Transit Stop Eligibility

9. How is the “within one-half mile” distance measured for AB 2097?

The distance to a major transit stop is measured in a straight line from the nearest edge of the parcel containing the proposed project to any point on the parcel or parcels that make up the property upon which a major transit stop is located. See [HCD Technical Assistance Letter to the City of San Clemente](#), dated November 17, 2023. Note: other statutes may measure distance from transit differently from AB 2097.

10. Does any type of existing rail station qualify as a major transit stop?

Any existing rail station – including those without facilities, that are unstaffed or have infrequent or limited service – automatically qualifies as a major transit stop.¹⁹

11. What is the difference between “major transit stop” and “high quality transit corridor?”

A “high quality transit corridor” is generally more expansive compared to “major transit stop.” A “high quality transit corridor” is a bus *corridor* with a fixed-route and service intervals no longer than 15 minutes during peak commute hours.²⁰ A major transit stop identifies a *point, parcel, or intersection*.

¹⁶ Gov. Code, § 65863.2, subd. (a).

¹⁷ Gov. Code, § 65863.2, subd. (e)(4).

¹⁸ Gov. Code, § 65863.2, subd. (h)(1).

¹⁹ Pub. Res. Code, § 21064.3, subd. (a).

²⁰ Pub. Res. Code, § 21155, subd. (b).

AB 2097 specifies a site's relationship to a "major transit stop" and not a "high quality transit corridor."

A ferry terminal qualifies as a major transit stop if it is served by either a bus or rail transit service.²¹

12. What type of ferry terminal qualifies as a major transit stop for AB 2097?

Regional Transportation Plan (RTP)

13. What if a location is a "major transit stop" in the current RTP, but does not meet any criteria in Public Resources Code section 21064.3 as a "major transit stop"?

A major transit stop that is included in the applicable RTP qualifies nearby sites for the purposes of AB 2097.²² The statute does not distinguish between existing and planned major transit stops, nor future changes or improvements. A site that qualifies based on its proximity to a major transit stop that is included in the RTP does not need to meet any criteria in Public Resources Code

section 21064.3. See [HCD Technical Assistance Letters to the City of Los Angeles](#), dated November 17, 2023 and March 28, 2024.

14. What if the current RTP identifies a major transit stop that no longer meets any criteria in Public Resources Code section 21064.3?

The RTP remains in effect and binding for AB 2097 eligibility during its applicable time period, including if a major transit stop no longer meets the criteria in Public Resources Code section 21064.3.²²

Transit Service Frequency

15. Can different bus routes be combined for calculating service frequency?

No, except for "colinear line families" (see Question 16). For the purposes of AB 2097, a major transit stop must have two or more bus routes present, and each route must stop at the intersection with a frequency of service interval of 20 minutes or less during peak morning and afternoon commute periods.

See Section 6 (Peak Period Bus Service Interval Frequency) for HCD recommendation on calculating interval frequency.

are combined and considered as one service route for service frequency. A line family that creates a loop (e.g., clockwise and counterclockwise service) is also considered one route for service frequency, even if each direction has a unique route number. Line families are intended to function as one bus route, where transit riders typically board the first bus available whether it is a local or rapid/express line, or whether the route loops. Only the intersections where the buses stop with a frequency interval of 20 minutes or less during morning and afternoon peak periods may qualify as major transit stops. Note: to qualify as an intersection of two or more major bus routes, a colinear line family must intersect with another qualifying major bus route that is not part of the line family. See [HCD Technical Assistance Letter to the City of Los Angeles](#), dated March 8, 2024.

16. Can a local and rapid or express bus line schedule be combined for calculating service frequency?

For purposes of applying AB 2097, "colinear line families" (i.e., bus routes that share the same route, such as local and rapid lines)

²¹ Pub. Res. Code, § 21064.3, subd. (b).

²² Pub. Res. Code, § 21155, subd. (b).

17. Can different bus routes be combined to calculate frequency for the portion of a shared route (“trunk line”) but calculated separately where the routes are split?

Aside from colinear line families (see Question 16), each bus route is individually assessed for frequency, including unique bus lines that share the same course for a portion of their route.

SECTION 6. RECOMMENDED METHODOLOGIES

HCD presents the following recommendations to assist local agencies in their implementation of AB 2097. These recommendations, while not required, are intended to facilitate consistent implementation of the law. HCD acknowledges there are certain methodological details absent from the law for which local agencies must necessarily “fill in the gaps” to process development applications. The recommendations in this section are intended to reduce barriers to development due to required parking minimums.

Peak Morning and Afternoon Commute Periods

Where available, HCD recommends public agencies refer to the peak hours in their applicable RTP to account for regional variability. Public Resources Code section 21064.3, subdivision (c) identifies a threshold bus service interval of 20 minutes or less “during the morning and afternoon peak commute periods” but does not indicate definitive ranges of time. The most commonly identified peak hours from a sampling of MPOs and their RTPs were 6:00 to 9:00 am and 3:00 to 7:00 pm (see Figure 1 below).

Figure 1. Sampling of MPO Peak Morning and Afternoon Peak Commute Periods (2024)

MPO ²³	Morning (AM)				Afternoon (PM)			
	6:00	7:00	8:00	9:00	3:00	4:00	5:00	6:00
AMBAG	█	█	█	█	█	█	█	█
BCAG	█	█	█	█	█	█	█	█
Fresno COG	█	█	█	█	█	█	█	█
Kern COG	█	█	█	█	█	█	█	█
MTC	█	█	█	█	█	█	█	█
SACOG	█	█	█	█	█	█	█	█
SANDAG	█	█	█	█	█	█	█	█
SBCAG	█	█	█	█	█	█	█	█
SCAG	█	█	█	█	█	█	█	█
Tahoe RPA	█	█	█	█	█	█	█	█
TCAG	█	█	█	█	█	█	█	█

²³ For a full list of MPOs, see <https://calcog.org/our-members>.

Peak Period Bus Service Interval Frequency

HCD recommends averaging bus service intervals across the combined morning and afternoon peak periods for the purposes of maximizing housing production potential and to account for peak-directional service (e.g., more frequent inbound morning service). The average frequency must be 20 minutes or less across both peak periods. In other words, two or more bus routes must stop at a given location at least 21 times in a seven-hour period to qualify for AB 2097 prohibition on minimum parking requirements. Public Resources Code section 21064.3, subdivision (c) identifies a statutory threshold of “two or more major bus routes with a frequency of service interval of 20 minutes or less” during the morning and afternoon peak commute periods but does not provide a methodology for calculating peak frequency.

Intersections of Two or More Major Bus Routes

HCD recommends that a location or parcel should be considered within one-half mile of a major transit stop if it is served by two or more major bus routes that are within 500 feet of each other (about 0.1 mile) measured in a straight line. Public Resources Code section 21064.3, subdivision (c) identifies an “intersection of two or more major bus routes” as one criterion that may qualify as a major transit stop, but the statute does not provide a definition of “intersection.” Based on feedback from MPOs and Caltrans, acceptable distances for a passenger to transfer between transit routes on foot range between 150 feet and 500 feet. Therefore, any two or more unique bus routes that stop within 500 feet walking proximity to one another would be considered “intersecting.” See Section 5, Question 9 for measurement of one-half mile distance.

Bus Rapid Transit (BRT) Stations

HCD recommends that a BRT station may qualify as a major transit stop if the station itself is adjacent to a full-time dedicated transit lane, since AB 2097 is based on distance from a major transit stop as opposed to a corridor. Public Resources Code section 21064.2, subdivision (a) defines “major transit stop” to include a site that contains an existing BRT station, which in turn is defined as a bus station served by BRT.²⁴ In addition to frequent peak service intervals, transit signal priority, and other boarding features, BRT is considered a faster bus-based system because the service includes operation in a full-time dedicated bus lane or separate right-of-way dedicated for public transportation.²⁵ However, the statute does not indicate whether the entirety of the BRT route, a majority portion of the BRT route, or just the station itself must be within or adjacent to a separate lane from other vehicular traffic.

SECTION 7. LINKS TO OTHER STATE RESOURCES

Please note that the CEQA Site Check map uses Caltrans data, which is updated regularly and may vary in methodology from those recommended in Section 6 above.

- **California Office of Land Use and Climate Innovation (LCI). CEQA Site Check Map.** Layer: Existing Major Transit Stops per Public Resources Code sections 21155 and 21064.3. <https://sitecheck.opr.ca.gov/>

²⁴ Pub. Res. Code, § 21060.2, subd. (b).

²⁵ Pub. Res. Code, § 21060.2, subd. (a).

- **Caltrans. High Quality Transit Stops Online Map**, Layer: “Major Transit Stop.”
<https://data.ca.gov/dataset/ca-hq-transit-stops>
- **California Coastal Commission AB 2097 Memorandum.**
<https://www.coastal.ca.gov/lcp/mrfcj/housing.html>

SECTION 8. AB 2097 STATUTE (GOVERNMENT CODE SECTION 65863.2)

65863.2.

- (a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit.
- (b) Notwithstanding subdivision (a), a city, county, or city and county may impose or enforce minimum automobile parking requirements on a project that is located within one-half mile of public transit if the public agency makes written findings, within 30 days of the receipt of a completed application, that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:
 - (1) The city’s, county’s, or city and county’s ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low income households.
 - (2) The city’s, county’s, or city and county’s ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
 - (3) Existing residential or commercial parking within one-half mile of the housing development project.
- (c) For a housing development project, subdivision (b) shall not apply if the housing development project satisfies any of the following:
 - (1) The development dedicates 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) The development contains fewer than 20 housing units.
 - (3) The development is subject to parking reductions based on the provisions of any other applicable law.
- (d) Notwithstanding subdivision (a), an event center shall provide parking, as required by local ordinance, for employees and other workers.
- (e) For purposes of this section:
 - (1) “Housing development project” means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.
 - (2) “Low- and very low-income households” means the same as “lower income households” as defined in Section 50079.5 of the Health and Safety Code.
 - (3) “Moderate-income households” means the same as “persons and families of moderate income,” as defined in Section 50093 of the Health and Safety Code.

- (4) "Public agency" means 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.
- (5) "Public transit" means a major transit stop as defined in Section 21155 of the Public Resources Code.
- (6) "Project" does not include a project where any portion is designated for use as a 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 hotel, as defined in Section 50519 of the Health and Safety Code.
- (f) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.
- (g) When a project provides parking voluntarily, a public agency may impose requirements on that voluntary parking to require spaces for car share vehicles, require spaces to be shared with the public, 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.
- (h)
 - (1) Subdivision (a) shall not apply to commercial parking requirements if it conflicts with an existing contractual agreement of the public agency that was executed before January 1, 2023, provided that all of the required commercial parking is shared with the public. This subdivision shall apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements.
 - (2) A project may voluntarily build additional parking that is not shared with the public.
- (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 increased 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.

Attachment C: Correspondence With City

From: Simon Guindi [REDACTED]
Sent: Tuesday, February 25, 2025 1:18 PM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED]
Subject: Application for Recognition of Parking Exemption Under AB 2097

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mr. Grunow,

Please see our attached application for recognition of parking exemption under AB 2097 for the Nicky Rottens restaurant located at 100 Orange Ave. Per AB 2097, the restaurant's proximity to public transit prohibits the City from imposing minimum parking requirements.

There are significant financial costs for the Nicky Rottens Investment Group to continue securing parking stalls to meet parking requirements that are no longer enforceable by the City. For this reason, we request your prompt attention and response within 14 days. If no response is received within 14 days, the Nicky Rottens Investment Group will assume the City has agreed with our determination that AB 2097 prohibits the City from imposing minimum parking requirements on the Nicky Rottens restaurant.

Thank you for your time and assistance,
Simon

From: Richard Grunow <rgrunow@coronado.ca.us>
Date: March 6, 2025 at 4:00:28 PM PST
To: Simon Guindi [REDACTED]
Cc: Isaac Micha [REDACTED] Jesse Brown <jbrown@coronado.ca.us>
Subject: **RE: Application for Recognition of Parking Exemption Under AB 2097**

Dear Mr. Guindi:

Thank you for your email and letter regarding the parking conditions in your approved parking plan permit. Unfortunately, AB 2097 applies only to new development and therefore would not relieve you of complying with your permit

conditions to provide off-street parking. Additionally, the City does not agree that Coronado has a qualifying Major Transit Stop as defined by AB 2097. I have attached a copy of your approved permit and parking covenant so that you're aware of your various parking and operational requirements.

I understand and empathize with your concerns about the added expense of providing off-street parking. However, staff has no authority to modify your parking requirements and any change to the City's parking standards would need to be approved by both the City Council and the California Coastal Commission.

Thanks, Rich

Richard Grunow

*Community Development Director
City of Coronado*

From: Simon Guindi [REDACTED]
Sent: Tuesday, March 11, 2025 9:32 AM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED], Jesse Brown <jbrown@coronado.ca.us>
Subject: Re: Application for Recognition of Parking Exemption Under AB 2097

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mr. Grunow,

Thank you for your response regarding our request for parking relief under Assembly Bill 2097 (AB 2097). We appreciate your time in reviewing this matter.

After carefully considering your points, we have provided a detailed response addressing each claim in the attached letter. Our position is based on the plain reading of AB 2097, legislative analysis, and official technical guidance from both the California Department of Housing and Community Development (HCD) and the California Coastal Commission.

In summary:

- AB 2097 applies to existing developments in addition to new projects, as confirmed by HCD's technical guidance.*
- The Coronado Ferry Landing is officially designated as a Major Transit Stop under California state transit data.*

- *Our existing parking agreement, dated 2012, is subject to elimination under AB 2097 because it does not meet the law's exception for shared public parking agreements.*
- *No amendment from the Coastal Commission is required to apply AB 2097's provisions, as the law is self-executing.*

Given this, we respectfully request that the City acknowledge our eligibility for parking relief under state law and confirm that our parking requirements are no longer enforceable.

We look forward to your response and are happy to discuss further if needed. Thank you for your attention to this matter.

Respectfully,

Simon and Isaac

From: Richard Grunow <rgrunow@coronado.ca.us>

Date: April 3, 2025 at 4:49:57 PM EDT

To: Simon Guindi [REDACTED]

Cc: Isaac Micha [REDACTED] Jesse Brown <jbrown@coronado.ca.us>

Subject: RE: Application for Recognition of Parking Exemption Under AB 2097

Hi Mr. Guindi,

Staff has completed its evaluation of your position that AB 2097 effectively rescinds Nikki Rotten's off-site parking requirements of your 2012 permits. Staff respectfully disagrees for the following reasons:

- AB 2097 does not apply retroactively. Therefore, the conditions of approval related to parking requirements stand.
- The Coronado Ferry Landing is not a "major transit stop". The Ferry Landing is operated by a private company and is not designated as a ferry terminal by the U.S. Dept. of Transportation, which recognizes major ferry terminals that provide high volume transit through major transit hubs (e.g., San Francisco Ferry terminal, Seattle Ferry terminal, etc.). Although the California Office of Land Use and Climate Innovation hosts a GIS-based CEQA Site Check Map on their website that labels the Ferry Landing as a "ferry terminal", the CEQA site check map is intended as an environmental review resource tool and there is no indication that labeling a ferry landing in

their GIS application constitutes an officially designated ferry terminal under AB 2097. Furthermore, the Coronado Ferry Landing is served by the MTS 904 Bus Route, which only services the Ferry Landing every 60 minutes and therefore does not meet the 20-minute headway frequency requirement of AB 2097.

I'm sorry to share disappointing news, but I don't believe there are any easy solutions to your off-site parking concerns.

Thanks, Rich

Richard Grunow

Community Development Director
City of Coronado

From: Simon Guindi [REDACTED]
Sent: Tuesday, April 3, 2025 2:40 PM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED] Jesse Brown <jbrown@coronado.ca.us>
Subject: Re: Application for Recognition of Parking Exemption Under AB 2097

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mr. Grunow,

Thank you for your follow-up. We appreciate the City's willingness to engage on this issue, however we continue to disagree with the City's latest position for the following reasons:

1. The City states that AB 2097 does not apply "retroactively."

We agree it does not retroactively void previously approved permits. However, AB 2097 prohibits *ongoing enforcement* of minimum parking requirements after January 1, 2023.

- AB 2097, Section 2(a): "A public agency shall not impose or enforce any minimum automobile parking requirement..."
- HCD Technical Advisory (Page 6, Question 8): AB 2097 can be used to eliminate an existing parking agreement executed before Jan 1, 2023, unless it involves public shared parking.

The implication is AB 2097's prohibition on enforcing parking requirements is prospective, not retroactive. If the City is still enforcing a covenant today, that action is prohibited unless the limited exemption applies—which it does not in this case.

2. The City argues the Ferry Landing is not a "major transit stop."

Respectfully, that interpretation is inconsistent with California law and HCD guidance:

- AB 2097 incorporates Public Resources Code §§ 21064.3 and 21155 to define a "major transit stop."
- Public Resources Code § 21064.3(b): A ferry terminal served by bus or rail qualifies as a major transit stop. *Note that being publicly operated is not a consideration for meeting the definition of a major transit stop.*
- HCD Technical Advisory (Page 3) confirms that ferry terminals, irrespective of ownership type, served by transit qualify.

Furthermore, the California Governor's Office of Planning and Research (OPR) CEQA Site Check Tool lists the Coronado Ferry Landing as a "Major Transit Stop". While it is true this tool is for environmental review, it uses statutory definitions found in AB 2097, and OPR's identification is authoritative in the absence of contradictory statutory language.

3. The City argues that MTS Route 904 does not meet the 20-minute headway requirement.

Respectfully, this standard simply does not apply to ferry terminals under PRC § 21064.3(b).

- That provision distinctly categorizes ferry terminals separately from bus stop intersections with frequent headways.
- The statute simply requires the ferry terminal be served by a bus or rail route—not that the connecting service meets 15- or 20-minute frequencies.

There is no statutory requirement that ferry-linked bus service meet a specific frequency threshold. The Coronado Ferry Landing is served by MTS Route 904, which connects to the larger MTS network. This satisfies the statutory definition.

In conclusion, AB 2097 prohibits the ongoing enforcement of minimum parking requirements in qualifying transit-rich areas. The Coronado Ferry Landing:

- Is explicitly listed as a Major Transit Stop by OPR using the statutory definition.
- Is served by public transit.
- Meets the requirements under AB 2097.

Attachment 2

The covenant requiring Nicky Rottens to maintain off-site parking does not involve public/shared parking, and was executed prior to January 1, 2023—therefore, AB 2097 prohibits its continued enforcement.

With all this being said, if Nicky Rottens were to end its current parking lease agreement that satisfied the city's parking requirements in place as of December 31, 2022, is it the city's intent to take enforcement action?

Best regards,
Isaac and Simon

From: Richard Grunow <rgrunow@coronado.ca.us>

Date: April 18, 2025 at 8:30 AM PST

To: Simon Guindi [REDACTED]

Cc: Isaac Micha [REDACTED], Jesse Brown <jbrown@coronado.ca.us>

Subject: RE: Application for Recognition of Parking Exemption Under AB 2097

Mr. Guindi,

It appears we'll need to agree to disagree. The City's position is firm and you are obliged to comply with all of your permit conditions.

Thanks, Rich