



CITY OF CORONADO
1825 Strand Way
Coronado, California 92118
(619) 522-7320

Attachment 3

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Appeal Hearing Form

Appellant: Nicky Rottens
 Mailing Address: 111 Orange Ave
Coronado CA 92118
 Phone #: [REDACTED] Fax #: _____
 Alt Phone #: _____
 Email: [REDACTED]
 Signature: [Handwritten Signature]

Appellant's Rep.: Richard Bailey
 Mailing Address: [REDACTED]
San Diego CA 92107
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 Signature: [Handwritten Signature]

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

Date of Determination: 1/13/26
 Mo/Day/Year

For the project known as:
Appeal of Director's Interpretation regarding Nicky Rottens parking requirements under AB 2097

Project Address:
111 Orange Ave Coronado CA 92118

For City Use:

<input checked="" type="checkbox"/>	Appeal Fee Paid Per Fee Schedule	Receipt No.: <u>003615-0004</u>	Acct: <u>108-5400</u>
<input checked="" type="checkbox"/>	Application Complete & Legible	Associated City Dept: <u>Community Development</u>	
<input type="checkbox"/>	Number of Copies of Materials Required	Associated Case No: <u>N/A</u>	
Describe Supplemental Materials submitted:		<u>Letter from Caltrans, HCD Technical Guidance,</u>	
<u>Email Correspondence</u>			

Nicky Rottens Appeal of Director's Interpretation

Summary of Appeal

Nicky Rottens Restaurant appeals the Planning Commission's denial of its request for relief under Assembly Bill 2097 (AB 2097), which prohibits the imposition or enforcement of minimum parking requirements for qualifying projects within one-half mile of a major transit stop. The City's interpretation is legally flawed on multiple grounds:

1. **Misapplication of "development project"** – The City relies on a narrow, extra-statutory definition of "development project" that excludes changes of use in existing buildings. AB 2097 and HCD guidance explicitly protect such changes, meaning the City's interpretation unlawfully narrows the statute's scope.
2. **Inconsistent application and bad faith** – The City claims AB 2097 applies only to "new development" as reason to deny relief to Nicky Rottens. Yet the City has not applied this "new development" standard consistently: the Little Club, a nearby property proposing an actual new development, was still subjected to minimum parking requirements. This inconsistent application demonstrates bad faith, undermines the uniform application of state law, and creates uncertainty for property owners.
3. **Legislative mandate for favorable interpretation** – Government Code § 65863.2(i) requires that AB 2097 be interpreted "in favor of the prohibition of the imposition of mandatory parking minimums." Where competing interpretations exist, the law must be construed to eliminate, not impose, parking requirements.

For these reasons, the City Council should reverse the Planning Commission's decision, interpret the Orange Avenue Commercial Specific Plan consistent with AB 2097, declare the 2012 off-site parking requirements unenforceable at 100 Orange Avenue, and direct staff to cease enforcement.

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:

On January 13, 2026, the Planning Commission reviewed and denied an appeal of the Community Development Director's November 26, 2025 written interpretation. In the written interpretation and past statements, the Director concluded that:

1. Coronado does not contain a qualifying "major transit stop."
2. Any change to parking standards requires City Council and California Coastal Commission approval before AB 2097 can apply.
3. AB 2097 applies only to "new development."

Each of these conclusions is legally erroneous, conflicts with state law, and frustrates express legislative intent.

State law preempts conflicting local land use regulations. Government Code section 65863.2(i) expressly requires that AB 2097 be interpreted in favor of the prohibition of mandatory minimum automobile parking requirements.

Where a local interpretation conflicts with state law, the City Council must reverse the decision as a matter of law.

Despite conflicting 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), the Planning Commission failed to overturn the director's interpretation.

Not only did the Planning Commission report omit city staff's pattern of legally fallacious claims on the matter, it also minimized or dismissed the appellant's legally factual claims, relied upon a narrow definition of "development project" not contained within the subject law, and failed to disclose ongoing enforcing of parking standards on proposed new projects despite those projects meeting the criteria for eligibility within the planning commission report.

Additionally, a Planning Commission member stated their reason for upholding the director's interpretation was based on their understanding that the relevant law, AB 2097, only applied to housing projects. However, AB 2097 clearly applies to housing and commercial projects. Neither the director nor any staff member corrected the commissioner's erroneous understanding of the law that was the basis for their decision.

Grounds For Appeal

Although the City no longer expressly asserts that the Coronado Ferry Landing fails to qualify as a “major transit stop” under state law, nor expressly maintains that California Coastal Commission approval is required to effectuate Assembly Bill 2097, the City has not withdrawn, corrected, or disavowed these prior interpretations.

Those interpretations were repeatedly communicated to the Appellants in writing and formed the basis for staff’s enforcement position, the Director’s determination, and the Planning Commission’s review. The City’s continued failure to correct or clarify these legally erroneous statements, contrary statutory language and state agency guidance, has had the practical effect of delaying and deterring the Appellants’ ability to exercise rights conferred by state law.

For that reason, it is important that the City Council understand the full procedural and interpretive history of this matter and place the City’s current position clearly on the record. Absent a formal correction, the City’s prior statements continue to create uncertainty, invite inconsistent enforcement, and undermine the uniform application of state law.

Ground 1: The Coronado Ferry Landing Qualifies as a Major Transit Stop

Authority: Public Resources Code section 21064.3(b); Government Code section 65863.2(e)(5); HCD AB 2097 Technical Advisory; Caltrans Letter dated May 1, 2025.

The Director claimed the Coronado Ferry Terminal is not a Major Transit Stop.

AB 2097 adopts the California Environmental Quality Act definition of “major transit stop.” That definition expressly includes a ferry terminal served by either bus or rail transit service.

Public Resources Code section 21064.3(b) provides that a “major transit stop” includes a ferry terminal served by either a bus or rail transit service. The statute does not require public ownership of the terminal, designation by the United States Department of Transportation, or a minimum bus headway frequency when the qualifying stop is a ferry terminal.

The California Department of Housing and Community Development’s AB 2097 Technical Advisory confirms that ferry terminals qualify as major transit stops irrespective of ownership type, so long as they are served by transit.

The Coronado Ferry Landing is served by MTS Route 904 and is listed by the Governor’s Office of Planning and Research CEQA Site Check tool as a Major Transit Stop using the statutory definition. Caltrans has further confirmed in writing that the Coronado Ferry Terminal qualifies as a Major Transit Stop as a ferry terminal served by bus transit.

The subject property at 100 Orange Avenue is approximately 0.1 to 0.2 miles from the Coronado Ferry Landing, well within the one-half mile radius required by AB 2097.

The Director's previous conclusion that the Ferry Landing is not a "qualifying major transit stop" is directly contradicted by statutory language, HCD guidance, Caltrans, and OPR.

Ground 2: No City Council or Coastal Commission Approval Is Required for AB 2097 to Apply

Authority: Government Code section 65863.2; California Coastal Commission AB 2097 Guidance Memorandum.

The Director claimed both the City of Coronado and the California Coastal Commission would have to adopt an amended LCP to effectuate AB 2097.

AB 2097 is self-executing and expressly preempts conflicting local parking requirements. The California Coastal Commission has issued guidance stating that 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.

While local governments are encouraged to update Local Coastal Programs over time to reflect alternative mitigation strategies, no Coastal Commission action or City Council approval is required for AB 2097 to apply.

The Director's assertion that City Council or Coastal Commission approval is required directly conflicts with the statute and the Coastal Commission's own interpretation of AB 2097. See attached memo from Coastal Commission.

Ground 3: AB 2097 Prohibits Ongoing Enforcement of Pre-Existing Parking Requirements

Authority: Government Code section 65863.2(a) and (h); HCD AB 2097 Technical Advisory, Frequently Asked Questions 6 and 8.

The Director claims AB 2097 only applies to "new development."

AB 2097 provides that a public agency shall not impose or enforce any minimum automobile parking requirement on a qualifying development project. The prohibition is prospective, not retroactive. While AB 2097 does not invalidate permits approved prior to January 1, 2023, it does prohibit ongoing enforcement of minimum parking requirements after that date unless a statutory exception applies.

HCD's Technical Advisory confirms that AB 2097 can be used to eliminate an existing parking agreement executed before January 1, 2023, unless the agreement involves public shared parking, which is not the case here.

The Director's claim that AB 2097 applies only to new development is expressly contradicted by HCD guidance. If AB 2097 can eliminate pre-2023 parking agreements, it necessarily applies beyond new construction.

Additionally, the City relies on a restrictive definition of "development project" that does not appear anywhere in Assembly Bill 2097 or its incorporated statutory framework. This extra-statutory definition improperly narrows the law's scope and is inconsistent with both the plain language of the statute and controlling state guidance.

Under the City's preferred interpretation, "changes of use" in existing buildings would be excluded from AB 2097's protections. That result is untenable. HCD has expressly confirmed that AB 2097 applies to changes of use and to the creation or expansion of qualifying uses within existing structures. An interpretation that categorically excludes changes of use therefore contradicts the very applications of the law that the State has identified as protected.

Lastly, the City has failed to apply its own stated interpretation of Assembly Bill 2097 in a consistent manner to similarly situated commercial properties. A nearby commercial property, the Little Club, submitted plans for a new development and was informed by the City that the proposal triggered additional parking requirements.

This treatment is irreconcilable with the City's position in this matter. Here, the City asserts that Nicky Rottens is ineligible for relief under AB 2097 because it is not proposing a new development. Yet when a nearby commercial property did propose a new development, the City nonetheless imposed minimum parking requirements that AB 2097 expressly prohibits for qualifying projects.

The City cannot simultaneously maintain that AB 2097 applies only to new development while also refusing to apply the statute's protections when a new development is proposed. This selective and inconsistent application of the law demonstrates a lack of good faith and results in arbitrary enforcement, undermining the uniform application of state law and creating ongoing uncertainty for property owners and businesses.

Such inconsistency further underscores the necessity for City Council intervention to clarify the City's interpretation on the record and ensure compliance with Government Code section 65863.2.

Moreover, the Legislature has removed any ambiguity regarding how AB 2097 must be construed. Government Code section 65863.2 expressly provides that the statute "**shall be interpreted in favor of the prohibition of the imposition of mandatory parking minimums.**" Where, as here, competing interpretations are asserted, the City is legally required to adopt the interpretation that is least restrictive and most fully effectuates the statute's parking prohibition.

The City's reliance on a narrowing, non-statutory, and inconsistently applied definition not only conflicts with state law but also inverts the Legislature's express directive. That interpretation cannot be sustained as a matter of law.

REQUEST FOR RELIEF

The Appellants respectfully request that the City Council:

1. Overturn the Director's Interpretation that AB 2097 only applies to "new development."
2. Interpret the Orange Avenue Commercial Specific Plan consistent with Government Code section 65863.2.
3. Declare the 2012 off-site parking requirements unenforceable as applied to 100 Orange Avenue.
4. Direct staff to immediately cease enforcement of minimum automobile parking requirements for the subject property and similarly situated properties.
5. Provide written confirmation of the City's compliance with AB 2097 including the Coronado Ferry Terminal is a major transit stop.

If this appeal is denied, the Appellants reserve all rights to seek enforcement through the California Department of Housing and Community Development and/or the courts.

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

California Department of Transportation

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

GAVIN NEWSOM GOVERNOR



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

Attachment B: HCD Guidance on AB 2097

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

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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.	<u>Gov. Code, § 65863.2, subd. (a)</u>
2	“Public transit” means a “major transit stop” as defined in Public Resources Code section 21155.	<u>Gov. Code, § 65863.2, subd. (e)(5)</u>
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.	<u>Pub. Res. Code, § 21155, subd. (b)</u>
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.	<u>Pub. Res. Code, § 21064.3</u>
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.	<u>Pub. Res. Code, § 21060.2</u>
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 <u>18 MPOs</u> throughout the state of California.	<u>Pub. Res. Code, § 21155, subd. (a)</u>

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).

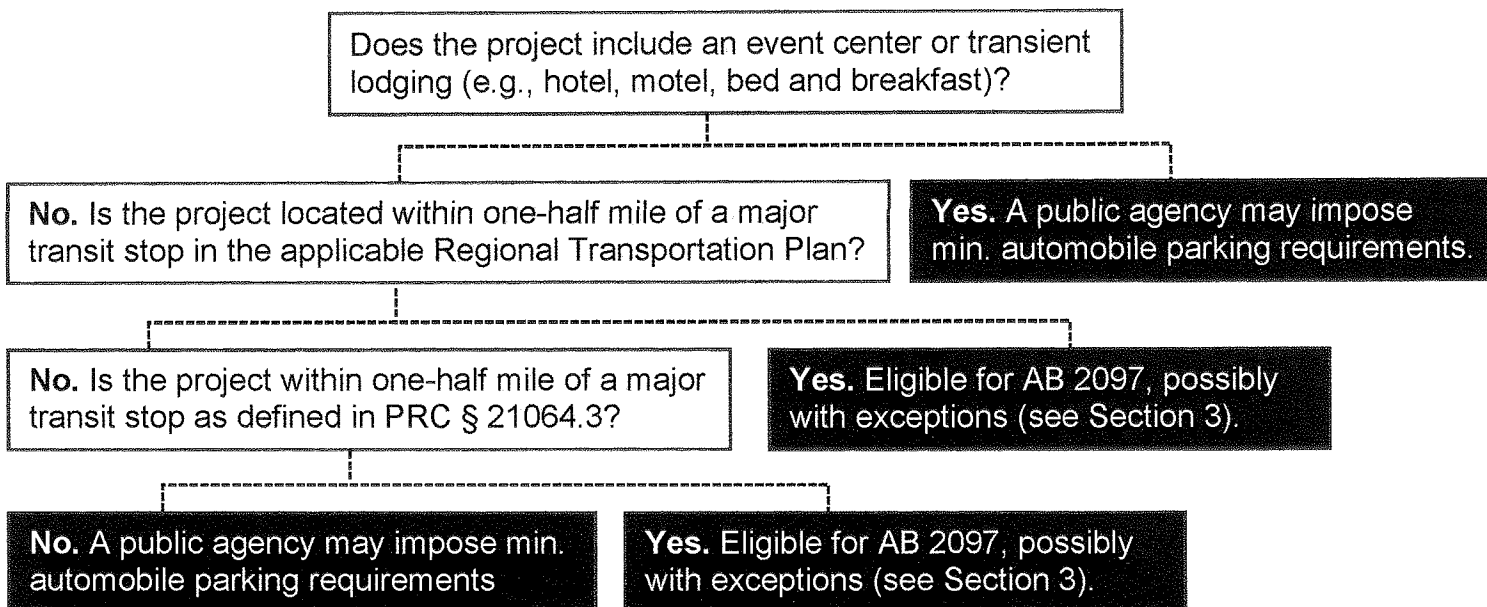
⁷ Gov. Code, § 65863.2, subd. (e)(1).

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 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.

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

5. Can a public agency still require bicycle parking? Attachment 3

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

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.

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)

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.

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@windsor.ca>

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: [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: [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: [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.

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