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**TO:** CITY OF CUPERTINO  
**LEGISLATIVE REVIEW COMMITTEE**

**FROM:** Anthony, Jason, and Paul Gonsalves

**SUBJECT:** Consider Adopting a Position On AB 2097  
(Friedman) Residential, Commercial, Or Other  
Development Types: Parking Requirements

**DATE:** JULY 18, 2022

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### **Bill Information:**

The official text of AB 2097 can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2097](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2097)

### **Summary:**

- 1) Assembly Bill 2097 prohibits a public agency from imposing or enforcing a minimum parking requirement on any of the following development, including residential or commercial, if the project is located within ½ mile of public transit:
  - a) A residential development with 40 or fewer units of housing.
  - b) A mixed-use development with 40 units or fewer units of housing
  - c) A residential or mixed-use development of any size in which 11% of the units are affordable to very low-income households, 20% of the units will be affordable to lower income households, or 40% will be affordable to moderate-income households for at least 55 years.
  - d) d) Commercial or other development.

- 2) Provides that when a project provides parking voluntarily, a public agency may impose requirements on that voluntary parking to require spaces for car share vehicles, requires spaces to be shared with the public, or require parking owners to charge for parking.
- 3) Provides that the prohibition on local governments enforcing minimum parking standards does not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development to provide electric vehicle parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development.
- 4) Provides that the parking prohibitions in (1) and (2) to not apply to commercial parking if it conflicts with an existing contractual agreement of the public agency that was executed before January 1, 2023, provided that all the required commercial parking is shared with the public.
- 5) Authorizes a project to build additional parking that is not shared with the public.
- 6) Provides that a development shall provide parking, as required by a local ordinance, for employees and other workers of either of the following: a) A hotel, motel, bed and breakfast in, or other transient lodging use. b) An event center, as specified.
- 7) Defines “public agency” as any state or state agency, board or commission, any city, county, city and county, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision.
- 8) Defines “public transit” as any major transit stop.

**Opposition:**

Local governments writing in opposition are concerned about the loss of local control and negative impacts to density bonus law. Unite Here Local 11 wants to exempt hotels, motels, transient lodging, and event centers.

**Opponents:**

California Contract Cities Association, City of Beverly Hills, City of Rancho Palos Verdes, City of San Marcos, City of Santa Clarita, City of Torrance, Marin County Council of Mayors and Council Members (MCCMC), Unite Here Local 11

**Support:**

According to the author: "California is experiencing a housing crisis and we need to consider all options to reduce the overall cost of housing. There are plenty of communities that have access to high-quality transit, or where cars are underutilized, that need housing far more than they need parking. Yet, many cities require residential or commercial developments to provide on-site parking. Apartments must include one or two parking spots per unit, and commercial properties must provide one space for every 100-200 square feet (frequently causing more space to be provided for parking than for the business itself). Mandatory parking requirements have led to an oversupply of parking spaces; Los Angeles County has 18.6 million parking spaces, or almost two for every resident. These requirements raise the cost of housing.

**Supporters:**

Abundant Housing LA (Co-Sponsor), California Yimby (Co-Sponsor) Council of Infill Builders (Co-Sponsor), San Francisco Bay Area Planning and Urban Research Association (SPUR) (CoSponsor), Mayor Rick Bonilla, City of San Mateo, Vice Mayor Jen Wolosin,, City of Menlo Park Councilmember Alex Fisch, City of Culver City Councilmember Brian Barnacle, City of Petaluma Councilmember Dennis Pocekay, Petaluma Councilmember Gleam Davis, City of Santa Monica, Councilmember John Bauters, City of Emeryville Councilmember John Erickson, City of West Hollywood Councilmember Jon Wizard, City of Seaside Councilmember Kevin Mcdonnell, City of Petaluma Councilmember Lori Droste, City of Berkeley Councilmember Rashi Kesarwani, City of Berkeley Councilmember Zach Hilton, City of Gilroy, 350 Bay Area Action, Activesgv, Alameda County Transportation Commission, Alameda-contra Costa Transit District, Asian Business Association, Bay Area Council, CA Coalition for Clean Air, California Building Industry Association, California Community Builders, California Downtown Association, California Hispanic Chamber of Commerce, California Interfaith Power and Light, California Native Plant Society, Central City Association of Los Angeles, Circulate San Diego, CivicWell, Climate Resolve, Defenders of Wildlife, East Bay YIMBY, Eden Housing, Endangered Habitats League, Fieldstead and Company, INC., Fremont for Everyone, Generation Housing, Getaround, Inc., a Delaware Corporation, Greenbelt Alliance, Grow the Richmond, Habitat for Humanity, California Housing Action Coalition, Humboldt County Supervisor Mike Wilson, LA Mesa Councilmember Colin Parent, League of Women Voters of California, Lisc San Diego, Los Angeles Area Chamber of Commerce, Midpen Housing, Monterey Bay Economic Partnership, Mountain View YIMBY, Napa County Transportation and Planning Agency/Napa Valley Transportation Authority, New Way Homes, Northern Neighbors, Peninsula for Everyone, People for Housing - Orange County, Progress Noe Valley, Safe Routes Partnership, San Diego Climate Action Campaign, San Diego Regional Chamber of Commerce, San Francisco Bay Area Rapid Transit District (BART), San Francisco YIMBY, San Luis Obispo YIMBY, Sand Hill Property Company, Santa Cruz Climate Action Network, Santa Cruz YIMBY, Santa Monica Chamber of Commerce, Sequoia Riverlands Trust, Sierra Business Council, Silicon Valley

Leadership Group, Solano County Supervisor Jim Spering, Southside Forward Streets for People Bay Area, Sunnyvale City Council Member Alysa Cisneros, Sunrise Silicon Valley, The Los Angeles Coalition for The Economy & Jobs, The Trust for Public Land, The Two Hundred Tmg Partners, Urban Environmentalists, Urban League of San Diego County, Ventura County Supervisor Carmen Ramirez, Vice Mayor Lucas Ramirez, City of Mountain View, Westside for Everyone, Wildlands Network, YIMBYAction, YIMBY Democrats of San Diego County

**Status:**

AB 2097 is pending in the Senate Appropriations Committee.

**Legislative Platform:**

This bill falls under Cupertino's 2022 Legislative Platform in the Housing & Community Development Section, Item #2 (page 7) "Oppose legislation that may reduce municipal authority, with an emphasis on land use policy, local review, and design standards."

**Recommended Action:**

Adopt an oppose position on AB 2097 and authorize the Mayor to send letters to the State Legislature.