

AB2097 IS MISAPPLIED WITH THE PROJECT PROPOSED AT 627 GENTER STREET IN THE HEARING OFFICER'S REPORT NO. HO-25-022. The Hearing Officer must Deny the Conditional Use Permit No. 3241543, and Coastal Development Permit No. 3310239, because the findings required to approve the project cannot be affirmed.

AB2097 should NOT be applied to the project proposed at 627 Genter Street. This project is inapplicable to AB2097 as it does not satisfy the requirements proscribed by the law and the City's application of this assembly bill to this project is an incorrect application of the law.

KEY SUMMARY:

- AB2097 relies on proximity to a major transit stop to be implemented. This measurement is 1/2 mile in La Jolla.
- Of the three types of Major transit stops in California, only one is possible in La Jolla. This one option is the intersection of two bus lines that operate with a frequency of 20 minutes or less during peak commute times.
- If an area (like La Jolla) is only serviced by one line that meets the frequency, but a second qualifying and intersecting line is in the 2035/50 Regional Transit Plan then AB2097 may be applied.
- La Jolla is currently serviced by one qualifying line.
- A second line is in the 2035/50 RTP, **but it is considered a non-qualifying collinear route and therefore does not meet the criteria as an intersecting line per the California Department of Housing and Community Development.**
- A bus stop that is serviced by both of these lines is **NOT** considered a Major Transit Stop. Only the frequency can be combined with that specific stop. An additional (3rd) intersecting and qualifying line must be operational or included in the 2035/50 RTP in order for a stop (that is serviced by all three lines) to be considered a Major Transit Stop. **In the absence of this third qualifying line, AB2097 may not be applied. La Jolla does NOT have this third qualifying line in operation or in the 2035/50 RTP.**
- Development Services, Planning, Hearing Officers, Planning Commission, City Council and SANDAG do not have the authority to override the California Department of Housing and Community Development's definitions of what constitutes a Major Transit Stop.
- AB2097 **CANNOT** be implemented legally in La Jolla.

There are several additional reasons why this project should not be offered parking exemptions as proscribed by AB2097. These are detailed more specifically below:

A. No Major Transit Stop –this project's reliance upon the stated Major Transit Stop in HO-25-022 is incorrect.

As explained above, there is no "major transit stop" servicing La Jolla, where this proposed project is located. For this reason alone, AB2097 parking exemptions should not be applied to the proposed project.

La Jolla has never had a major transit stop, does not currently have a major transit stop and according to the 2025/35 RTP, will not provide transit assets that will meet the definition in the future plan.

THE PAST

The only time in recent history that La Jolla had more than one bus line was in 2022 when the MTS140 was added to the existing MTS30. The MTS140 did not qualify as a 2nd major bus line as it never met the frequency requirements in peak commute times nor was it within a ½ mile to the project.

THE PRESENT

Currently La Jolla is serviced only by the MTS30 bus line. This is a single line that does not intersect with any other bus line in La Jolla.

THE FUTURE

Contained in the future 2025/35 plan there is a proposed MTS230 Rapid bus. Please refer to the California Department of Housing and Community Development Technical Advisory where it addresses the addition of a Rapid or Express bus to an existing local bus like the proposed MTS230 and the existing MTS30. It clearly says:

For purposes of applying AB2097, “collinear 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 collinear line family must intersect with another qualifying major bus route that is not part of the line family.

Given the absence of another qualifying major bus route that is not part of this line family, La Jolla will not have a Major Transit Stop in the future.

Without a Major Transit Stop, AB2097 cannot be implemented in La Jolla and more directly can NOT be applied to this project. For all these reasons, the project’s reliance upon the stated Major Transit Stop in HO-25-022 is incorrect. In fact, this project does not meet the specifications and requirements needed for AB2097 to apply.

B. Time Barred—HO-25-022 incorrectly states AB2097’s effective date; this project predates the law’s applicability.

The Hearing Officer’s Report incorrect states, “Assembly Bill No. 2097, Chapter 459 of the Government Code, which became effective September 22, 2022,” this is NOT the effective date. It was signed into law on that date, but the effective date was January 1, 2023. There is a difference in the law’s applicability between the date the law was signed and its effective date.

This project’s application completion date for this project is March/April of 2022 according to the City of San Diego DSD and Applicant. AB2097 was not even signed in law until 9/2022 with an effective date 1/1/2023. **Therefore, the completion date predates the effective date of the bill and should not be applied to this project.**

It is understood that no “pipeline provision” has been adopted whereby it would allow or prohibit projects having submitted applications before the effective date of the ordinance to be subject to the rules in effect after the effective date of the ordinance. Given the absence of and adopted provision to this effect, the regular course of action with respect to effective date procedure is necessarily followed. Meaning, the effective date is just that—the date by which the law takes effect. Any project with a project completion date post-the effective date is subject to the rules of the ordinance; contrarily, any projects with a completion date before the effective date of the ordinance do not. This project is incorrectly being allowed to receive the benefit of AB2097.

This project is reliant upon its March/April 2022 application completion date to receive the benefits of a decommissioned bus line (which never met frequency requirements) that was on the books but has been discontinued and is no longer. It was discontinued as of December 2022 according to the City's emails with the applicant. The project was able to rely upon the bus stop based on the application completion date before the December 2022 bus stop removal date. However, if the applicant wants the benefit of being even potentially reviewed under AB2097 (although as is noted above, this project is inapplicable to it) it must do so within its proper regulatory framework and after the effective date.

The applicant should withdraw the project application and resubmit it to make it timely for the project to receive a review under the AB2097 regulation after its effective date. Should the applicant rightfully have to withdraw and resubmit with the appropriate timing to use the AB2097 benefits, it will no longer be able to use the bus stop that it rightfully should not be able to use, as it is no longer real and never met the frequency requirements. The project should not be able to pick and choose dates and gain benefits utilizing both sides of the law.

AB2097 has a clear effective date. When laws pass for citizens during elections and have effective dates guided by the law, we don't get to pick and choose the dates that would be most beneficial to us for it to become effective. There is a clear effective date and this project's application completion date pre-exists the effective date and there is no applicability in the State Bill that says retroactive application is due.

The project should not be able to utilize different dates to gain additional benefits. This project is not allowed to take advantage of both using the March/April 2022 application completion date *AND* a post-1/1/2023 effective date. It is one or the other.

C. Improper Purpose—this project is seeking to take the benefit of a pro-housing bill for a NON-housing project.

Much like the largely reviled “Turquoise Tower” or “Vela” project in Pacific Beach, this project is contorting pro-housing policies (here AB2097) in order to receive the parking exemption benefit afforded to conforming projects.

Much like City Councilperson La Cava and Mayor Gloria stated in their joint letter dated October 8 opposing this (Vela) project, “we must not allow pro-housing policies to be usurped for purposes that do not meet a public benefit or respond to the state’s housing affordability crisis.” Assembly Bill 2097 is a state law which went into effect on January 1, 2023, that prohibits or limits parking requirements for developments within a one-half mile of a major transit stop or high-quality transit corridor. It is clear and indisputable that the purpose of AB2097 is to encourage housing projects. **This project is NOT a housing project and does NOT reduce greenhouse gas emissions (on the contrary) and therefore does NOT serve the purpose of this bill.**

Prominent San Diego and California politicians agree that we must “ensure the spirit of the law is not used inappropriately,” like Sen. Catherine Blakespear pointedly said in her letter opposing the “Vela” project. She notes that she and others are “fully aligned in their concern about the unreasonable project that was proposed under the guise” of an affordable housing law. Similarly, here, the applicant looks to take advantage of parking exemptions afforded to other housing projects under the AB2097 law—of which it is notably not.

Significantly, State Senator Toni Atkins discussed her opposition to the “Vela” project because “it represents an extreme misuse of the State Density Bonus law.” This project is a similar “extreme misuse” of AB2097, another State affordable housing law. Sen. Atkins goes on to state that development “should not be pursued by twisting public benefit housing laws to provide incentives for predominantly non-housing developments that primarily serve commercial interests.” And yet this is exactly what the 627 Genter expansion purports to do.

Applicant representatives boast that this project expansion plan raise occupancy levels for the church to more than 1000 persons. It is well documented within public records about congregant and staff demographics that:

- 53% live within 5 miles of the LJCF zip code of 92037, which is up to 14 miles –each way--driving distance from the proposed project.
- 36% live between 5 miles and 35 miles from the LJCF zip code, which is up to 51 miles –each way-- driving.
- 11% live beyond the aforementioned distances from the LJCF zip code.

The applicant's leadership concedes that the current parking situation is untenable. The project is slated to be built on the only two off-street parking spots on the property. These spots have been illegally covered up since 2020 forcing the applicant to park their large commercial bus illegally on the street or on private property. No off-street parking is proposed for this project even though the existing use of the other buildings requires it. The applicant has bought two 6-passenger neighborhood electric vehicles (NEV) to patrol the neighborhood streets looking for congregants¹. This unregulated NEV shuttle does NOT prevent or stop attendees from cruising the surrounding streets and neighborhood many times around looking for parking on already impacted city streets. These circling drivers increase greenhouse gas emissions significantly because of the continuous stop-and-go driving in search of parking spots. So then how does the increase in occupancy encouraged by this expansion project help reduce greenhouse gas emissions with no parking minimums being required? This expansion project increases the allowable amount of people accessing the property. It would be misleading to say that the expansion project would bring zero or few increased trips to the property, when church representatives have admittedly described its congregant growth as a central focus of this project. Plainly, this expansion project is likely to bring more drivers circling the neighborhood blocks searching for parking turnover which means more greenhouse gas emissions—not less as is the intended purpose of this ordinance.

Furthermore, the California Government Code allows a city to impose or enforce minimum automobile parking requirements on a project that otherwise may fall under the AB2097 ordinance when it is true that by not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on existing residential or commercial parking. (See, CA Government Code Section 65863.2).

D. Event Centers are Excluded from AB2097— HO-25-022 incorrectly dismisses parking requirements for event center employees and this project more generally.

Whether AB2097 can even apply to a project and allow a public agency to not require minimum parking requirements for a development depends on the proposed land use or whether there is a commercial parking agreement in place, if needed. Relevant here, AB2097 prohibition on minimum parking requirements does NOT apply to developments that include event centers.

AB2097 does not define “event center”. California Health and Safety Code Section 40717.8 defines the term to mean:

“a community center, activity center, auditorium, convention center, stadium, coliseum, arena, sports facility, racetrack, pavilion, amphitheater, theme park, amusement park, fairgrounds, or other building, collection of buildings, or facility which is used exclusively or primarily for the holding of

¹ It should be noted that the applicant's NEV vehicles park illegally without a permit in the courtyards of the church campus. When needed they are driven down the sidewalk or there is a makeshift ramp to get it over the curb. They often drive on the sidewalk.

sporting events, athletic contests, contests of skill, exhibitions, conventions, **meetings**, spectacles, concerts, or shows, or for providing public amusement or entertainment.”

The applicant and church administration cannot deny the use of what they call this “education building” to exclude meetings, events, performances, and receptions. Nor are they or any future leadership beholden to abide by any such statement or agreement. Why else build a roof top 3rd-story deck with a large sliding glass wall system allowing for a large flowing event space 30+ feet above the street, if not to house these events? In fact, church administration repeatedly boasts the need for this development as a community center and has clearly labeled all the rooms in the latest construction drawings as “Meeting Rooms”. These labels reflect a change from the first submittal that showed youth age groups on the various floors and a “Play Area” on the roof. Yet the roof deck stays only with changed labels. And as a telling aside, despite declarations that this expansion space is needed “for the children,” the plans still include a clear safety hazard—a roof deck 30+ feet above the ground. It seems contradictory if safety for children is the expansion intended purpose, why would a roof deck be a necessary element? This falls squarely within the “event center” description for use. This intended use can be corroborated by a history of tax records that clearly show a mix of secular and non-secular events-for-hire held at this campus.

Further, Government Code section 65863.2(d) provides that an event center must provide parking for employees and other workers, as provided by local ordinance. Despite claiming to the contrary, the organization does NOT have any agreement or authorization to use the SDUSD staff or any other district parking lots for their offsite parking. The church has no separate parking agreement with any offsite parking lots and does not have legitimate and legal parking of its own for the 627 Genter property site. Therefore, how will employees or workers at this event space park should this development ultimately be built according to the current iteration of plans before the City of San Diego DSD? This is a notable exception and is relevant to this project. An event center is not subject to all the parking reductions allowed in this bill and must provide automobile parking required by local ordinance for employees and other workers.

HO-25-022 does not provide a source for the statement “The SDMC does not require parking specifically for employees for a Religious Assembly use.” This statement means to say that unless the SDMC specifically sets forth every type of use and its correlative employee parking requirement then the SDMC is to be read not to require any employee parking. If this were the correct interpretation, it would mean that for example, if the SDMC does not specifically state that a big box retail establishment requires parking for its employees, we are to construe that to mean that such a project needs NO employee parking? There is no specific language in the SDMC, laying out the need for employee parking for a nightclub or a sports complex or a water park—but despite that we KNOW that there will be employees working at those establishments. Are we to believe that when the development permits were issued for those types of developments, they too were *not* required to have any employee parking? That seems like an incorrect interpretation of the absence of a very specific provision. Where in the SDMC does it lay out every use possible and all the specific employee parking needs for every type of project?

The flawed interpretation above leads to the equally flawed conclusion that “[t]herefore, the local ordinance does not preclude the use of AB 2097 for the proposed project.” This is an incorrect application of an equally flawed premise. This conclusory statement has no basis in fact. There is no source or support for this statement at all.

This project is not entitled to the AB2097 prohibition on minimum parking requirements because its project site is **ineligible as an event center**.

CONCLUSION:

At the very least, one of the reviewing bodies for the City of San Diego—the DSD, City Council or the City Attorney’s Office—should request technical assistance from an outside third-party expert to determine whether the application of AB2097 to this project is allowable and advisable in this residential neighborhood whereby the project receives the parking exemptions it seeks. If not for the AB2097 application, the increase in occupancy would require the expansion project to include parking spaces.

The current site has ZERO parking, no ADA, no EV, no off-street parking. As an aside, it can be proven with two decades of photographic evidence that the site did in fact have two parking spots which it used for administrative staff parking regularly. However, applicant now wishes to utilize that same space as part of the expansion building and understands that it is against General Parking Regulations code section 142.0510² to reduce existing parking, so applicant has deceptively told DSD those spots were never maintained as parking—the City has accepted applicant's misrepresentation.

Importantly AB2097 does not change the requirements for ADA parking spaces, meaning any parking spaces provided must still comply with ADA accessibility standards. The law does not alter the existing regulations regarding the number or design of accessible parking spaces needed for a development. But because the applicant is claiming AB2097 parking exemptions, it gets to maintain the expansion and occupancy increases but is not required to add ANY parking spaces to the neighboring community—not to accommodate electric vehicles or persons needing accessibly parking—NONE.

This project does not meet the specifications and requirements needed for AB2097 to apply. This expansion is like the issues raised by the “Vela” development in that both projects are extorting holes in new laws to get away with projects that would not otherwise be allowable in our neighborhoods. The expanded and new use of having a rooftop event center within our very residential neighborhood is inconsistent with the AB2097 state housing law, the intent and goals of this bill, and RM-1 zoning restrictions.

In conclusion, AB2097 CANNOT be implemented legally in La Jolla.

Without a Major Transit Stop, AB2097 cannot be applied to this project. And because of this alone, the Hearing Officer must Deny the Conditional Use Permit No. 3241543, and Coastal Development Permit No. 3310239, because the findings required to approve the project cannot be affirmed.

Respectfully,

By and on behalf of interested parties made up of neighbors surrounding the project location

² Code Section 142.0510(c): Existing Parking Not to be Reduced. Notwithstanding any other provisions of the Land Development Code, existing off-street parking facilities that were provided and maintained on the same premises before parking was required and which serve a use now requiring off-street parking spaces shall not be reduced in number, dimension, or any other manner below the requirements of this division. Applicant's contention that because it did not pull permits to legally build those two parking spots, all while utilizing and maintaining them as such, now serves to help them not now be subject to this regulation. The principle of public policy is this: ex Dolo malo non oritur action “no action arises from deceit.”

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...	
Does not apply to the following uses or circumstances ➡	<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
Applies without exceptions to the following uses ➡	<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
Applies with exceptions* to the following uses ➡	<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).

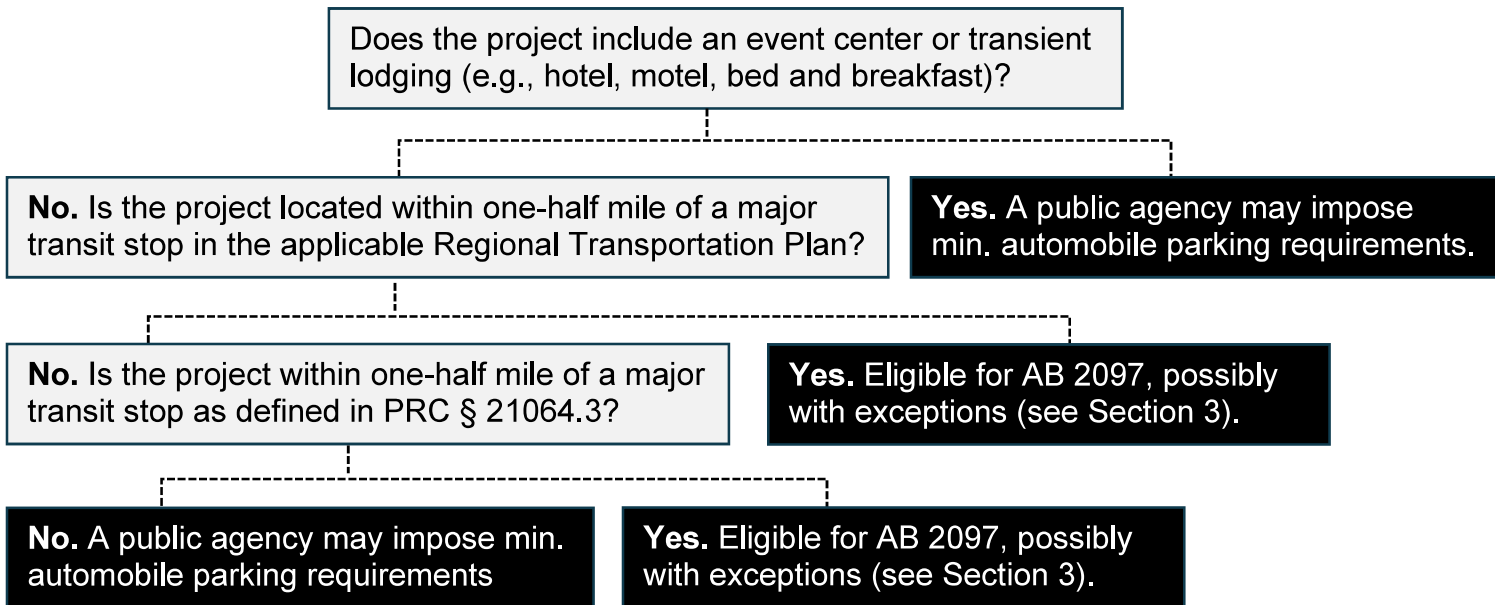
⁸ Gov. Code, § 65863.2, subd. (a).

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.

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?

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 20 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)

	Morning (AM)								Afternoon (PM)							
MPO ²³	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.

DSD's ANALYSIS IS FLAWED ON THE 627 GENTER PROJECT

FUNDAMENTAL FLAWS WITH DSD ANALYSIS BASELINE

Baseline – entire project versus one building

INACCURATE TO LOOK AT JUST 1 BUILDING—MUST LOOK AT WHOLE SITE. The impact of the whole is related to the impact of the expansion. How can one reasonably separate the two. If the religious assembly use from the other 2 buildings gets to be considered for the use of this building (with a rooftop venue) how come the other 2 portions of the property are not relevant to the analysis.

NOT OUR DUTY—IT IS THE APPLICANT’S DUTY TO PROVIDE EVIDENCE THAT ITS PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HEALTH, SAFETY, AND WELFARE OF THE SURROUNDING COMMUNITY—NOT THE NEIGHBOR’S RESPONSIBILITY

Expansion of Use

NOT RELIGIOUS ASSEMBLY—3RD FLOOR ROOFTOP DECK = NON-SECULAR VENUE SPACE NOT RELIGIOUS ASSEMBLY—UNNECESSARY FOR A “SAFE SPACE FOR KIDS” It is NOT a safe place for kids to hang out and assemble.

FUNDAMENTAL FLAWS WITH DSD ANALYSIS NOISE

INACCURATE TO STATE THAT THE PROJECT IS “CONSISTENT WITH THE GENERAL PLAN LAND USE-NOISE COMPATIBILITY GUIDELINES” — **THIS PROJECT INCLUDES A 3RD FLOOR OPEN-AIR ROOF TOP DECK VENUE.** The GP states as one of its policies:

- “**Implement operational measures** in areas where eating, drinking, entertainment, and assembly establishments are adjacent to residential” (NE-1.1)
 - **WHERE IN THIS PROJECT’S PLANS ARE THE OPERATIONAL MEASURES??**
- “Provide noise attenuation measures to reduce the noise levels generated from the establishment, to the degree possible, within their premises with special attention on “open air” concept establishments—such as beer gardens or **large outdoor eating and drinking venues.**” (NE-1.1(d))
 - **WHERE IN THIS PROJECT’S PLANS ARE NOISE ATTENUATION MEASURES??**
- “Evaluate and consider potential noise impacts as a condition of permit approval, renewal, and/or a change of use, for eating and drinking establishments that incorporate “open air” or large outdoor eating and drinking venues, **based on acoustical studies and/or industry best practices.** (NE-1.2)
 - **WHERE IN THIS PROJECT’S PLANS ARE THE ACOUSTICAL STUDIES??**

FUNDAMENTAL FLAWS WITH DSD ANALYSIS OCCUPANCY & USE

Expansion of Use

NOT RELIGIOUS ASSEMBLY—3RD FLOOR ROOFTOP DECK = NON-SECULAR VENUE SPACE NOT RELIGIOUS ASSEMBLY—UNNECESSARY FOR A “SAFE SPACE FOR KIDS” It is NOT a safe place for kids to hang out and assemble.

Increase of 88 (Source: Applicant)

THIS NUMBER IS INACCURATE—PROPOSED ROOF TOP DECK ALONE IS ABLE TO HOLD MORE PEOPLE THAN THAT

Additional 176 trips (Source: Applicant)

THIS NUMBER IS INACCURATE—IF EVEN 45 MORE CHILDREN ARE ADDED, THAT IS 180 ADDITIONAL TRIPS—MORE THAN WHAT WAS REPRESENTED (each 1 CHILD = 4 ADDITIONAL TRIPS (DROP OFF—drive to site, drive away from site; PICK UP—drive to site, drive away to site)

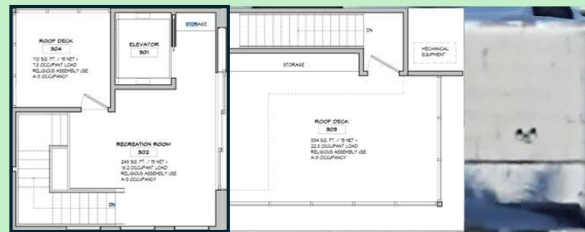
.48-acre property (in green), Residential (RM-1-1) Zone

DSD Project Scope

new 502 sq. ft. roof deck

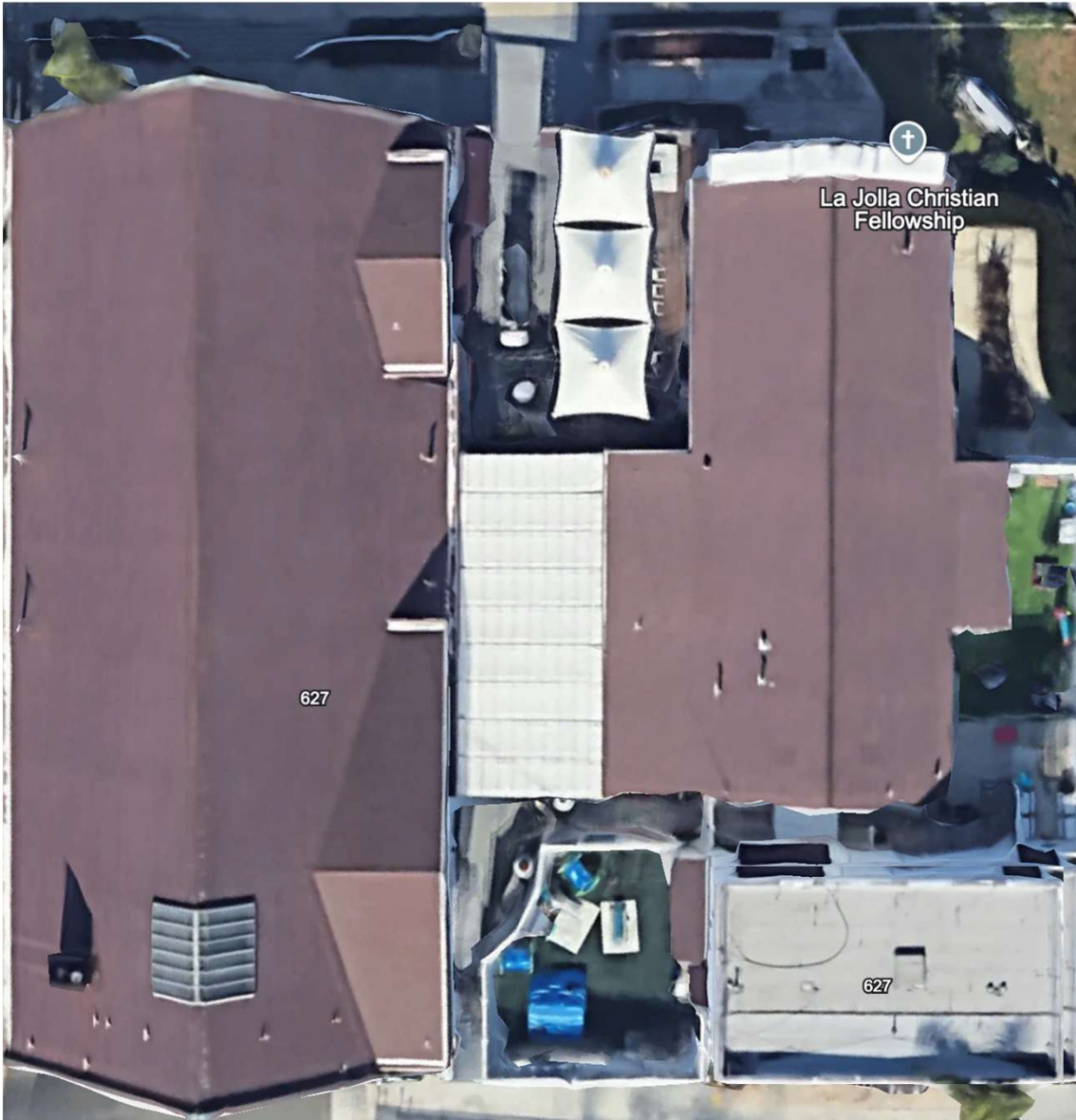


**1,768 square feet
of new additions**



**2,340 square feet of
interior renovations**





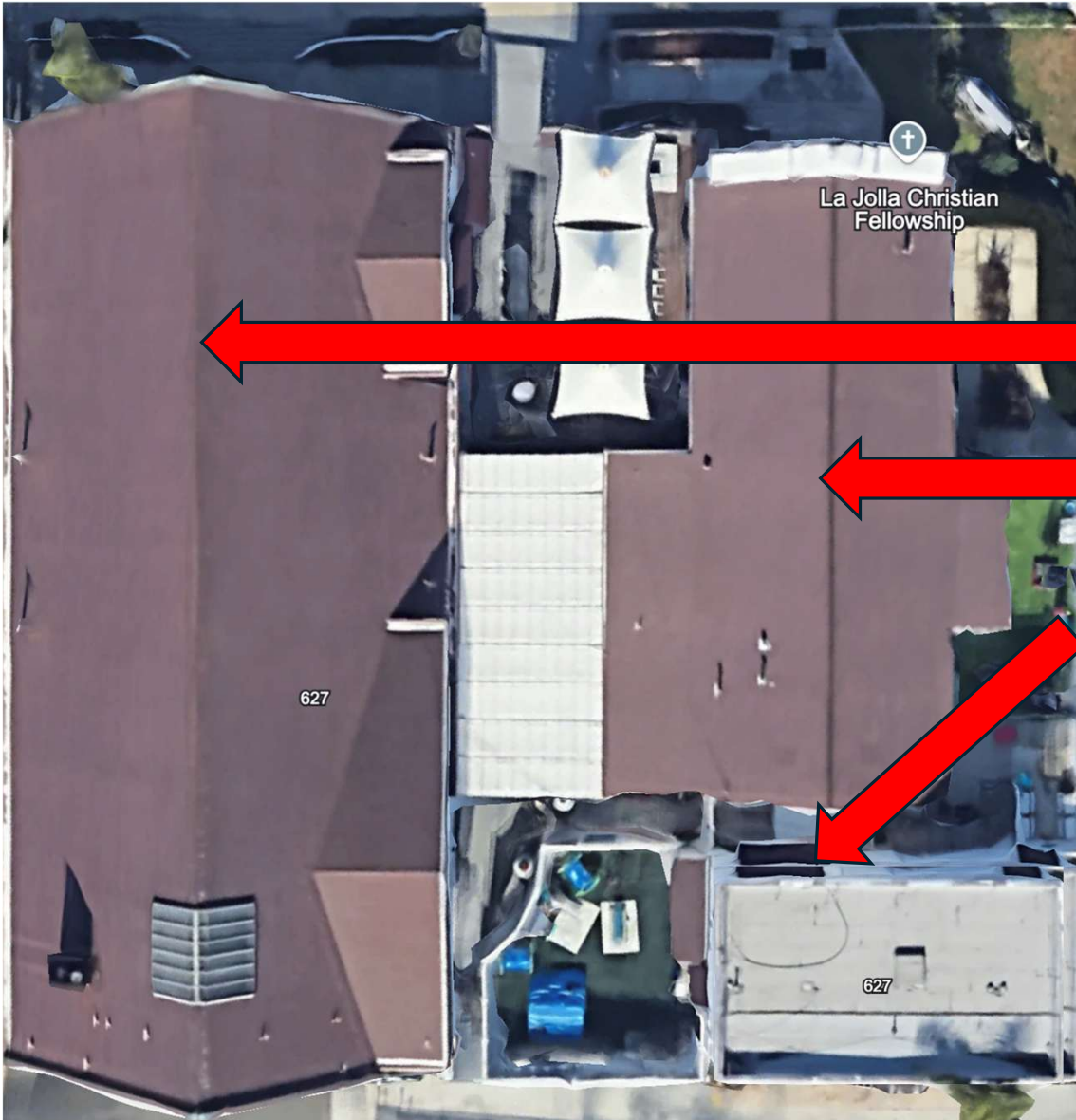
ACCURATE Project Scope

**.48-acre campus
consisting of
numerous spaces
including 3
buildings—of which
this is 1**

**MUST CONSIDER
THE WHOLE** ⁶

Assembly use in RM1-1 is LIMITED

- Maximum Occupancy 300
 - Existing Condition: Occupancy 890
- Requires a Conditional Use Permit
 - Existing Condition: NO CUP
- Required Parking based on sf or pew length
 - Existing Condition: ZERO PARKING



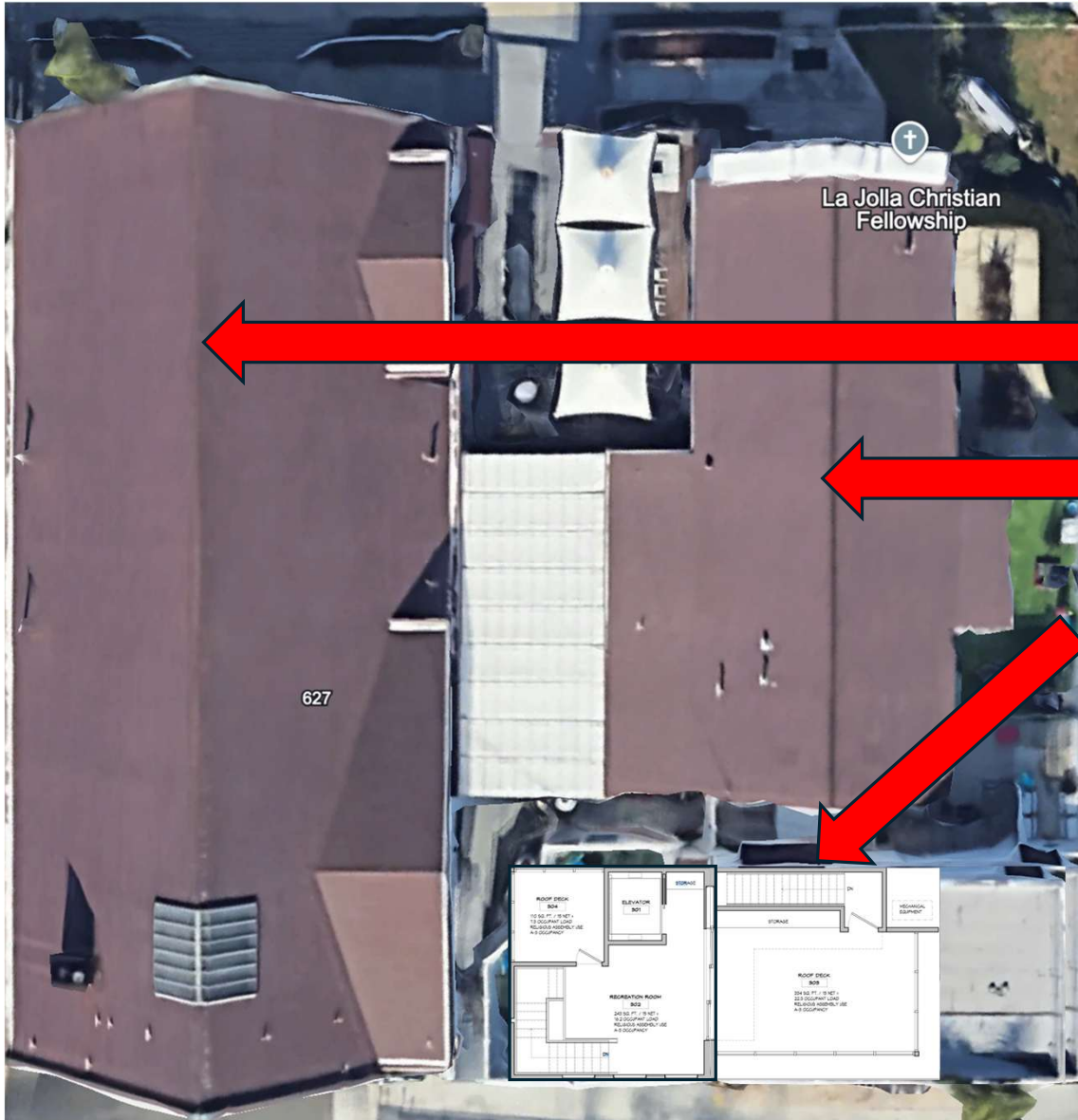
Existing Condition

638 Sanctuary

152 Fellowship Hall

100 Education Building

890 Total



Proposed Expansion

638 Sanctuary

152 Fellowship

198 Education

140 Outside Spaces

1,128

The existing condition needs to be cured before any type of expansion is allowed

Appeal Issue 10 – CEQA Baseline

Appellant States:

In fact, the City seeks to separate its view and consideration of this project into just looking at the educational building in a vacuum. It then attempts to draw an invisible line between the greater church parcel and the educational building.

Staff Response:

Per CEQA Guidelines Section 15125, the environmental setting constitutes the baseline physical conditions that an agency utilizes to determine whether an impact is significant. The CEQA baseline refers

to the existing physical conditions of an area at the time a project's environmental review begins, essentially serving as the starting point to measure the potential environmental impacts of a proposed project against the existing environmental setting.

When the environmental review commenced, the project area consisted of a developed site with three structures. Accordingly, staff considered the baseline to include all existing structures and uses on the premises at the commencement of the environmental review. Staff utilized the proper baseline and considered the entirety of the site when conducting the environmental review.

This project has two major components that are problematic for all of the districts.

1. The baseline appears to be unlimited in nature. This applicant is currently operating at 3 times the allowable occupancy for our zone, but that is still considered the baseline. See verbiage below from Staff's report.

2. La Jolla doesn't currently have a major transit stop. A major transit stop is THE key component the applicant is using to forego parking requirements. We have provided our proof to all of the Council Members separately and they are aware of our legal argument on this. Eliminating off street parking for a facility of this size forces hundreds of cars to seek street parking that's simply not here. It is currently and will continue to substantially impact access to coastal areas for all.

Since these two components affect all of the City's districts we are recommending that City Council keep this case in their purview as they are the governing body that makes Land Use decisions. If they deny our claim, the decision on this project (which includes these two key components) will go to a Hearing Officer for a decision. Hearing Officers are Development Services employees and it is not appropriate for them to make major Land Use decisions like this.

NEIGHBOR COMMENTS COLLECTED

I am a property owner directly across the street from this project. I resided at this location for many years and now use it as accommodations for friends, family and visitors from all over the world. The applicant is misusing a housing bill (AB2097) to forego parking requirements in what is already a very impacted neighborhood. Eliminating off street parking for a facility of this size forces hundreds of cars to seek street parking that's simply not here. It is currently and will continue to substantially impact access to coastal areas for all.

NEIGHBOR COMMENTS COLLECTED

RED HERRING

- This hearing is NOT about preventing a “safe space for kids”
- This hearing is NOT about preventing the applicant from taking steps to make their own space compliant and better for their own congregation
- This hearing is NOT about the benefit the congregation feels this will bring to its own congregants
- This hearing is NOT about the “good” or “benefit” the applicant feels this will bring to the community
- This hearing is NOT about any religious animus or “good neighbor” sentiments

THIS HEARING IS ABOUT

- ADHERING TO THE RULES
- APPLYING THE LAW ACCURATELY
- HOLDING A DEVELOPMENT ACCOUNTABLE TO THE CODE, REGULATIONS, STANDARDS BY WHICH ANY OTHER SAN DIEGO DEVELOPMENT WOULD BE HELD TO
- ASKING APPLICANT TO UNDERTAKE ADDITIONAL DUE DILIGENCE TO ENSURE THE PROJECT WOULD NOT CAUSE SIGNIFICANT EFFECTS ON THE NEIGHBORHOOD

GOOD NEIGHBOR

- A good neighbor would want to confirm future transportation noise would not disturb neighbors
- A good neighbor would want to confirm excessive green house gas emissions would not be spewed throughout the neighborhood by drivers circling for parking
- A good neighbor would want to confirm there would be sufficient parking for its additional congregants
- A good neighbor would want to confirm that light or glare would not be an issue or intrude on neighboring homes
- A good neighbor would want to confirm that the noise increases from the 3rd story rooftop deck would not disturb surrounding neighbors
- A good neighbor would want to take adequate measures were taken to ensure privacy to its direct neighbors was protected

GOOD NEIGHBOR

- A good neighbor would have met with its neighbors and worked through their concerns for noise, privacy, parking, crowds, light, glare, safety, AND MORE.

• NUMBERS OF TIMES APPLICANT MET WITH
THE NEIGHBORS TO LISTEN TO

CONCERNS: 0

AB2097 APPLICATION WILL HAVE A MONUMENTAL IMPACT ON SAN DIEGO

This project should be DENIED as AB2097 as applying it to this project is a misapplication of the law and if allowed, will have a monumental impact over how the untested AB2097 is applied to projects within San Diego as a whole. This project will set a PRECEDENT and have LASTING IMPACT on LA JOLLA and SAN DIEGO in general.







Assembly Bill 2097

Definition of Major Transit Stop:

- An existing Rail or Bus Rapid Transit Station
- A ferry terminal that's served by a bus or rail transit service
- The intersection of two or more major bus routes that have a service interval of 20 minutes or less during peak commute times
- an existing major transit stop may include a planned stop that is included in an adopted regional transportation plan
- Collinear

MTS 30

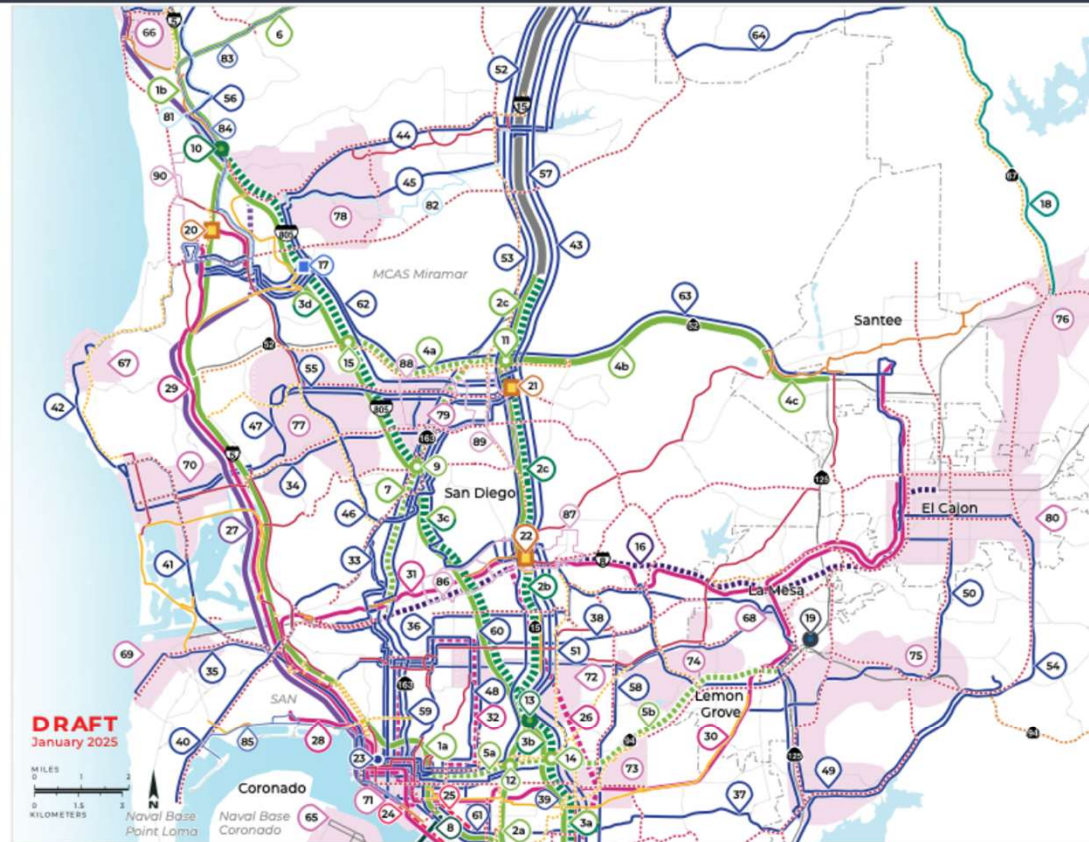




Draft Proposed
2025 Regional Plan
Transportation Network



Draft Proposed 2025 Regional Plan Transportation Network: Central & East County



DRAFT
January 2025

0 1 2
MILES
0 1.5 2
KILOMETERS

Naval Base
Point Loma

Naval Base
Coronado

By 2035

- Regional Rail
- Light Rail
- Next Gen Rapid
- Express Bus
- Local Bus
- Circulator
- 4 Managed Lanes
- 2 Managed Lanes
- 1 Reversible Managed Lane

2036-2050

- Managed Lanes Connector
- Direct Access Ramp (DAR)
- Interchange/Arterial Operational Improvements
- Rural Corridor Improvements
- Other Freeway Improvements
- Downtown Bus Layover
- Transit Operational Improvement

By 2035

2036-2050

- On-Street Bikeway
- Off-Street Bikeway
- On-Street & Off-Street Bikeway
- Goods Movement
- Flexible Fleets
(Neighborhood Electric Vehicle (NEV)
or Microtransit)

By 2035

2036-2050

- 1a-b I-5 Managed Lanes
- 2a-c I-15 Managed Lanes
- 3a-d I-805 Managed Lanes
- 4a-c SR 52 Managed Lanes*
- 5a-b SR 94 Managed Lanes
- 6 SR 56 Managed Lanes
- 7 SR 163 Managed Lanes
- 8 SR 75 Coronado Bridge Reversible Managed Lane
- 9 I-805/SR 163 ML Connector
- 10 I-5/I-805 ML Connector
- 11 I-15/SR 52 ML Connectors
- 12 I-15/SR 94 ML Connector
- 13 I-15/I-805 ML Connector
- 14 SR 94/I-805 ML Connector
- 15 I-805/SR 52 ML Connector
- 16 I-8 Operational Improvements
- 17 I-805 @ Nobel Dr Transit Operational Improvement
- 18 SR 67 Improvements: Mapleview St to Dye Rd
- 19 SR 125/SR 94 Interchange/Arterial Improvements
- 20 I-5 @ Voigt DAR
- 21 I-15 @ Clairemont Mesa Blvd DAR
- 22 I-15 @ SDSU West DAR
- 23 Downtown Bus Layover
- 24 Harbor Dr Multimodal Corridor Improvements
- 25 I-5 Working Waterfront Access
- 26 Purple Line
- 27 LOSSAN Improvements
- 28 Airport Transit Connection
- 29 Blue Line Improvements
- 30 Orange Line Improvements
- 31 Green Line Improvements
- 32 Balboa Park Perimeter Streetcar
- 33 Rapid 120: Kearny Mesa to Downtown
- 34 Rapid 207: Balboa Ave Trolley to Kearny Mesa via Balboa Ave
- 35 Rapid 210: La Mesa to Ocean Beach
- 36 Rapid 211: SDSU to Downtown
- 37 Rapid 212: Spring Valley to Downtown
- 38 Rapid 215: SDSU to Downtown
- 39 Rapid 225: South Bay Rapid
- 40 Rapid 228: Point Loma to Kearny Mesa
- 41 Rapid 229: Downtown to Pacific Beach
- 42 Rapid 230: Balboa Ave Trolley to UTC
- 43 Rapid 235: Escondido to Downtown
- 44 Rapid 237: UC San Diego to Rancho Bernardo
- 45 Rapid 238: UC San Diego to Rancho Bernardo
- 46 Rapid 241: UCSD Hillcrest Medical Center to UTC/UC San Diego
- 47 Rapid 243: Pacific Beach to Kearny Mesa

- 48 Rapid 255: Downtown to Logan Heights to Golden Hill to South Park to North Park to University Heights to Hillcrest
- 49 Rapid 256: SDSU to Rancho SD/Cuyamaca College
- 50 Rapid 259: El Cajon Transit Center to Lemon Grove Depot
- 51 Rapid 265: Otay Mesa POE to SDSU West via SR 125, I-805, I-15
- 52 Rapid 280: Downtown San Diego to Escondido
- 53 Rapid 290: Downtown San Diego to Rancho Bernardo Transit Station
- 54 Rapid 292: El Cajon to Otay Mesa
- 55 Rapid 295: South Bay to Clairemont
- 56 Rapid 473: Oceanside to Solana Beach to UTC/UC San Diego
- 57 Rapid 484: Carlsbad to Kearny Mesa
- 58 Rapid 625: SDSU to Palomar Station
- 59 Rapid 630: Iris Trolley/Palomar to Kearny Mesa
- 60 Rapid 637: North Park to 32nd St Trolley Station
- 61 Rapid 640: San Ysidro to Santa Fe Depot
- 62 Rapid 688: San Ysidro to UTC
- 63 Rapid 880: El Cajon to UC San Diego
- 64 Rapid 277: Ramona to Sabre Springs Transit Station
- 65 NEV Service Area: Coronado
- 66 NEV Service Area: Del Mar
- 67 NEV Service Area: La Jolla
- 68 NEV Service Area: La Mesa
- 69 NEV Service Area: Ocean Beach
- 70 NEV Service Area: Pacific Beach
- 71 NEV Service Area: Downtown/Little Italy
- 72 NEV Service Area: City Heights/North Park
- 73 Microtransit: Southeastern San Diego
- 74 Microtransit: Eastern San Diego
- 75 Microtransit: Casa De Oro/Spring Valley
- 76 Microtransit: Lakeside
- 77 Microtransit: Clairemont Mesa
- 78 Microtransit: Sorrento Valley
- 79 Microtransit: Kearny Mesa Convoy
- 80 Microtransit: El Cajon
- 81 Local Route 89: Solana Beach to UTC
- 82 Local Route 984: Mira Mesa to Sorrento Valley
- 83 Express Route 246: Rancho Bernardo to UC San Diego
- 84 Express Route 247: Escondido to UC San Diego
- 85 Express Route 993: Shelter Island to Convention Center
- 86 Circulator Route 647: Mission Valley Loop
- 87 Circulator Route 648: Mission Valley Loop
- 88 Circulator Route 649: Kearny Mesa Loop
- 89 Circulator Route 668: Kearny Mesa Loop
- 90 Circulator Route 985: UC San Diego Shuttle

Projects Outside Map Extent

Microtransit: Alpine

See reverse for detailed Managed Lanes Key and Additional Map Information | * Includes addition of truck climbing lane

NEV Service



Rapid 230

California Department of Housing and Community Development (HCD) has issued two Technical Advisories. addressing the addition of a Rapid or Express bus to an existing local bus like the proposed MTS230 to our existing MTS30

For purposes of applying AB2097, “collinear 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

To qualify as an intersection of two or more major bus routes, a collinear line family must intersect with another qualifying major bus route that is not part of the line family.

**La Jolla does not have
a major transit stop.**

In the absence of a Major Transit Stop, AB2097 cannot be implemented in La Jolla and more directly can NOT be applied to this project.

HEARING OFFICER CONCERNS

OPPOSITION TO ITEM 3 – 627 GENTER EXPANSION PROJECT

I reviewed the HO packet provided by the DSD and the included CDP and CUP proposals and would like to raise numerous issues/concerns/questions that should be considered by the Hearing Officer regarding this project:

- Where in the process would it be appropriate for the City or some developmental body to put restrictions/limitations on the use of the roof deck for events? Like time of use limitations, noise qualifications, light, amplified noise, capacity. We have very real concerns that the applicant is going to use the 3rd floor roof deck for entertainment and events held outside. No one has ever even asked the applicant the question: "why, if this is truly an education building remodel to benefit the safety of the congregants' children as claimed, do you need a 3rd floor roof top deck at all?"
- Church has consistently and repeatedly REFUSED to meet with or discuss this project with its neighbors.
- No one has forced the applicant to make any sort of compromises or concessions to the severely impacted neighbors that will be living with the impacts of the roof top event spaces (even excluding parking concerns) such as:
 - amplified noise without barriers or blockings -the noise will travel right into the neighbors' bedrooms
 - outdoor lighting without shades or adjustments --being bright and on at night illuminating our front rooms including our bedrooms during nighttime events
 - privacy -with increased lighting up there, the ability to see directly neighboring bedrooms is real
 - increased timing for events into the nights and on weekdays
 - glare from the glass railings they say they are going to use
 - large gatherings with children/minors being unsupervised
- # 24. This Conditional Use Permit shall be limited to assembly uses associated with the church and related incidental activities as indicated in Exhibit A. --Where can I find Exhibit A? I do not see any qualifications or clarifications of what "assembly uses associated with the church" means or what "related incidental activities" mean in the context of this property and the roof deck event space specifically. This needs to be defined in a limited manner and I do not see where that has been incorporated into either permit.
- # 23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable

regulations in the SDMC.--Where can I find the "applicable regulations" referred to in this paragraph? It is not described anywhere in the packet.

- I do not see where any limitations to the CUP have been stated
 - For example, in the La Jolla Hillel/Jewish Community Educational Building project there were several use limitations such as:
 - Hours of operation shall be limited to 7:00 A.M. to 10:00 P.M. daily and events will be concluded by 10:00 P.M., allowing for 11 :00 P.M. clean up and closing of the facility. Hillel may observe Jewish holidays, customs and ritual practices for High Holiday, Shavuot, Purim, Passover and other Jewish special observances provided that the above hours of operation are observed.
 - Occasional events will be limited to no more than 12 in a calendar year. Occasional event parking demands will be met by the mitigation outlined in the traffic and parking study that is conditioned upon the project.
 - How come similar conditions are not being discussed/contemplated here for this religious assembly event space?
- Without limitations the City is giving free reign to the applicant, any events, in perpetuity. As once permitted, a new owner could come in and purchase the current church and then do as it pleases with respect to any good neighbor informal policy this applicant claims to promise--correct? Without something in the CUP there are no ramifications for violations or even just "bad neighbor" actions.
- Unsupervised roof deck area for teens/minors. Very unsafe to have an “education building” be available for unsupervised youths with an area that is over 30 feet off the ground and will only have small railings around it. There is real safety risk and it seems like an unnecessary addition that could be modified to assuage many concerns of the neighborhood and neighbors.
- No mechanism of enforcement for loud events, unruly gatherings, excessive use times, amplified noise, light or other violations and disturbances.
 - We all know that code enforcement complaints or GET IT DONE complaints are useless.
- Please consider when was this project deemed complete? Where in these documents can I find that confirmation? I understand the project was deemed complete in March/April of 2022 according to the City of San Diego DSD and Applicant and numerous documents and emails. AB2097 was not even signed in law until 9/2022 with an effective date 1/1/2023. Therefore, the completion date predates the effective date of the bill and should not be applied to this project.

- The report is wrong; AB 2097 effective date was not September 22, 2022. AB2097 was signed into law on 9/22/22 but the effective date was 1/1/2023. AB2097 was not even signed in law until 9/2022 with an effective date 1/1/2023. Therefore, the completion date predates the effective date of the bill and should not be applied to this project.
- The reports discusses parking for event spaces, and dispels any need for employee parking. How come this language is not considered for this project when discussing the event center parking consideration:
 - SDMC Table 142-05G “Parking Ratios for Specified Non-Residential Uses” identifies parking requirements for "Churches and places of religious assembly." This category of use considers the parking needs associated with gatherings of large numbers of people at the same time. This is demonstrated by the units of measure being "seats," "pew space" and/or "assembly area." Given that you have confirmed that this is a religious campus, and for purposes of other requirements it is determined to be more than 300 people (which would be a large number of people at the same time), how come this language is inapplicable here?
 - In other projects the City has determined that when the project does not propose pews, permanent seats for services or assembly area, therefore a Parking Deviation Request needs to be proposed for the project. The deviation would allow the project to provide parking based on the specific needs of the facility as determined by existing comparable facilities. And the City has required the applicant to perform parking surveys, including an evaluation of the number of individuals who indicated they would walk to the facility or take public transport in order to determine the number of parking spaces that would be adequate to serve the anticipated programing at the facility. Why is this not proposed here?
- Does it matter that the applicant has many prior code enforcement issues. Some of which remain outstanding. The site has significant unpermitted work on it already. Should they be allowed to get permits if they have existing violations?
- When do disabled parking, EV, motorcycle, bus/van, commercial loading or any type of accessible parking spots need to be considered and incorporated? How come this project does not need to account for any?

Proposed Alternatives/Modifications

1) Require applicants to provide Programming Goals and modify the CUP to add conditions accordingly.

This applicant was never required to provide concrete information regarding its “religious assembly” or “educational” goals for this project. And more specifically, its program goals for the 3rd floor roof deck event space. How come in other projects, such as the Hillel, the City required information be provided to assist City Staff in understanding what the Hillel Center intended to do programmatically in the proposed development and how the Hillel Center may be used for student programs. The Hillel also provided copious amounts of information provided regarding proposed Hours of Operation and Uses.

The same scrutiny was not cast upon this applicant. The DSD did not ask for such breadth of information—in fact a large part of the above analysis was based on the “applicant’s word.” How come there is greater scrutiny cast upon some religious institutions rather than others?

With the above information the CUP can be revised to include certain conditions for use, as one would expect when proposing an expansion of a large gathering facility in a residential neighborhood. Especially one proposing a 3rd story roof top deck event space.

The Hillel had to provide very detailed calendars, including dates of proposed events, expected attendance numbers, specific location in the buildings, times and program content—as to show “religious assembly” use requirements were complied with for all events. Help concerned neighbors get some assurances the roof deck space won’t become an unregulated event venue.

This is an example of the high level of detail required of other project applicants on a similar type of development:

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed two Phase development, that retains use of an existing single-family residence for religious offices until occupancy of Phase II is completed and the facilities approved for occupancy, has been evaluated by City staff for compliance with adopted land use documents, zoning, development guidelines and principles. A Mitigated Negative Declaration No. 6098, has been prepared and evaluated impacts in the areas of Paleontological areas and Parking. The La Jolla Shores Planned District zoning and land use designation of SF, permits churches, temples and buildings used for religious purposes as well as the prevalent use for single-family residential development. The satisfaction of on-site parking to meet the needs of the scope of the development has long been a concern of the City staff and the community. The applicant has provided the City with information on the proposed sanctuary area seating, the schedule of events held at the Hillel center (as well as on-campus and off-site in various other locations) and for Shabbat and special events. The days, hours and frequencies have been evaluated and off-site shared parking agreements have been assured and evaluated by the City to sufficiently determine that parking will not be detrimental to the public health, safety, and welfare. An evaluation of the parking will be conducted to assure its implementation and to evaluate the need to amend conditions should problems be determined to exist. The design of the site and structure has been determined by City staff to conform to the neighborhood given that single-family detached residences exist to the south and a planned residential development (under a Conditional Use Permit) lies to the east and that this project is within the same zone but an entirely different use with inherent, and expected, design differences. The property to the north contains the campus of the University of California at San Diego and the property to the west is within the La Jolla Community Plan but not the Planned District.

2) Ask for studies and evidentiary support regarding increased occupancy and ADT/VDT analysis provided by the applicant.

- a. In a similar vein, the Hillel Center was under intense scrutiny with respect to its parking requirements for the development. This similar type of project has been treated quite differently. Instead of being highly scrutinized and required to do study after study, increase parking on site, obtain shared parking agreements, and make all sorts of other parking concessions; the City has now relaxed and in fact bent over backwards to allow this project to go forward WITHOUT ANY PARKING. It is making inaccurate (arguably illegal) interpretations of an assembly bill in order to green light this project without parking. It has been conceded by DSD that this is a large religious campus with well over 300 people gathering (more like 1000 after this expansion) in a residential neighborhood surrounded by single family homes that does NOT have even a single parking spot. DSD concedes that if not for its application of AB2097 to this project this religious campus would need to have substantial parking. Yet, it is taking dangerous interpretations of a housing-purposed law and applying it to this expansion project in order to allow it to expand its footprint, and an event space, and not require it to provide ANY parking.

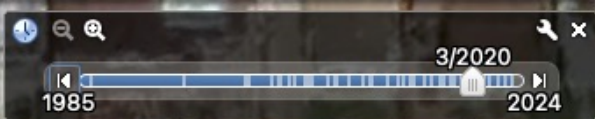
- b. To the contrary, the City, the Hearing Offices, the City Manager, and the Planning Commission all commented, scrutinized, and required much more of the Hillel development than this church expansion.
- c. By example of this, look at this provision in the City Manager's report for the Hillel project:

recognizing that the use is different from that of a single-family detached residence. The main project issue for this option constrained triangular shaped parcel, has been the ability to meet parking requirements on-site. While the facility will meet parking needs on-site for the Phase I religious office use of an existing single-family residence, the 40 parking spaces provided for the Hillel facility fall 27 spaces short of the 67 space requirement. The City staff has considered off-site parking through secured shared parking agreements and the applicant is required to obtain those prior to the issuance of building permits, to the satisfaction of the City Engineer, for the additional off-site parking for Friday evening Shabbat religious services and occasional special events. This situation will require extra procedures for Hillel to perform to assure that the parking is utilized and works without negatively impacting the adjoining neighborhood. Monitoring by the City will be done and the parking situation can be re-evaluated for modifications to assure Hillel meets its parking needs.

- d. The applicant for this project has been untruthful in his representations that they have secured shared parking agreements. When in fact, they never have. There have been numerous misrepresentations to this effect, but it has been confirmed that NO SHARED PARKING agreements have ever been obtained.
- e. The applicant for this project has been untruthful with regard to the increased trip numbers as well. If has been told to the congregants on many occasions this space may be used for increased day care, schooling and other uses. The stated amount is very low if every child comes via car (which they will) to the proposed childcare center. This number was presented, without challenge or evidentiary support, and accepted by DSD.

3) Monitoring analysis for parking impacts after the fact

For the Hillel project, the City required a monitoring report for transportation monitoring after the project so it could make adjustments based on reality post-project. This included a discussion of the Transportation Demand and Parking Management plan measures which were implemented and a determination of the effectiveness of the combined Transportation Demand and Parking Management plan as it was approved. This was required to be prepared and provided to the City of San Diego annually for a three (3) year period utilizing surveys from Hillel employees and traffic counts prepared by a licensed Traffic Engineer. Why not implement this future check on the development in the same way it was done for a similar project in the past?



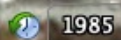
March 2020

La Jolla Christian Fellowship

623 Glenview Ln

Image © 2024 Maxar Technologies

Google Earth



Imagery Date: 3/29/2020

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12/2019
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December 2019

La Jolla Christian Fellowship

623 Glenview Ln

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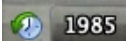


August 2019

La Jolla Christian Fellowship

623 Glenview Ln

Google Earth



Imagery Date: 8/13/2018

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November 2016

La Jolla Christian Fellowship

623 Glenview Ln

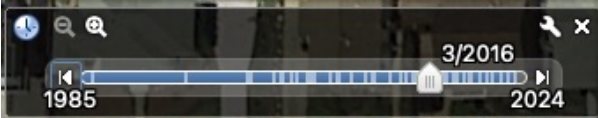
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March 2016

La Jolla Christian Fellowship

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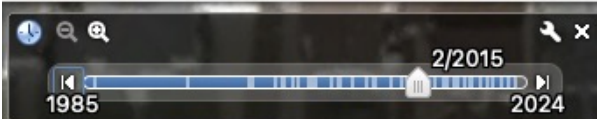
La Jolla Christian Fellowship

623 Glenview Ln

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March 2015

La Jolla Christian Fellowship

623 Glenview Ln

Image © 2024 Maxar Technologies

Google Earth

1985

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5/2014
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May 2014

623 Glenview Ln

La Jolla Christian Fellowship

Google Earth



November 2013

La Jolla Christian Fellowship

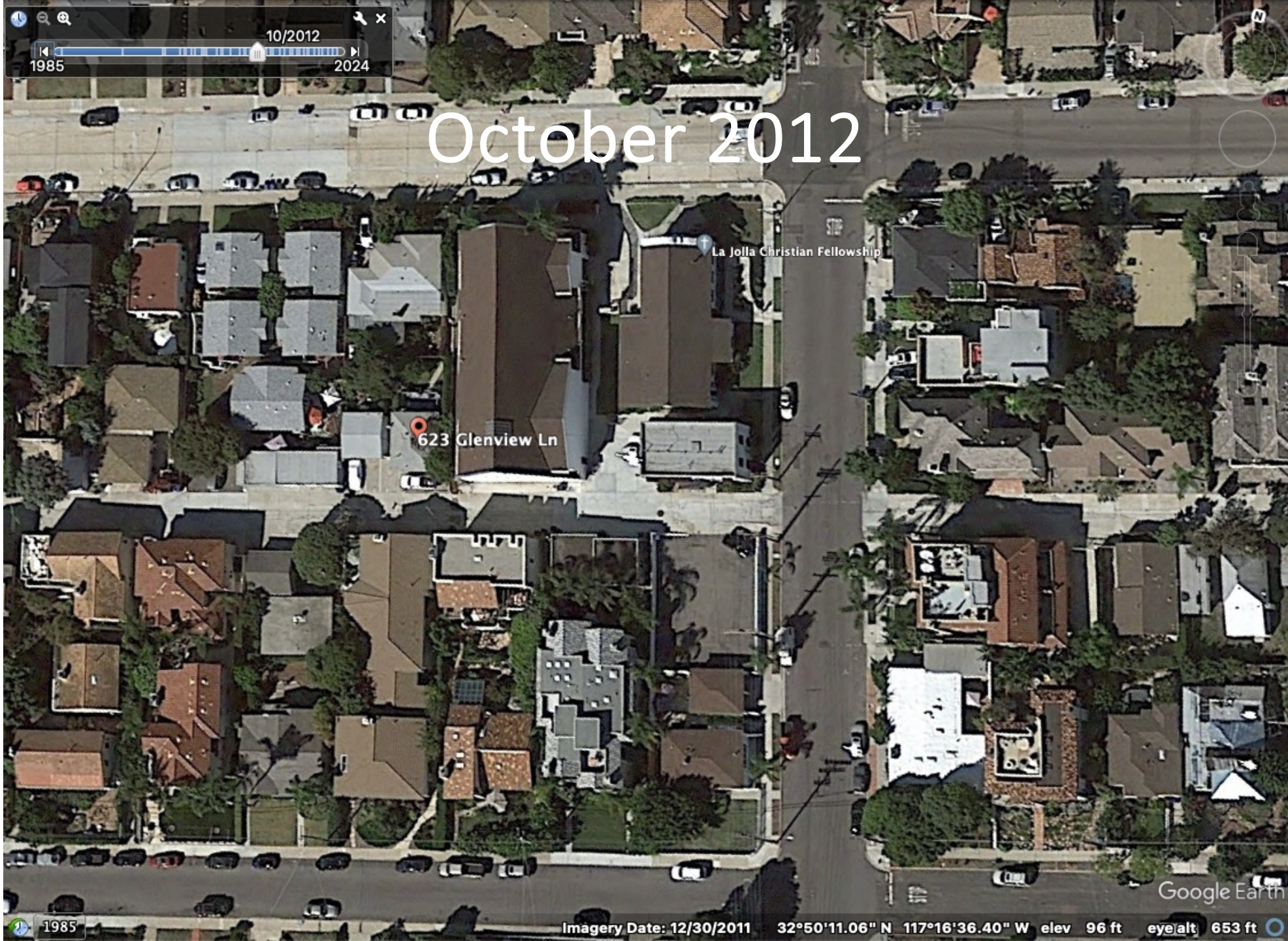
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eye alt 653 ft



October 2012

La Jolla Christian Fellowship

623 Glenview Ln

Google Earth

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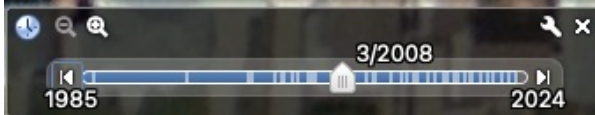
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La Jolla Christian Fellowship

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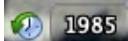


March 2008

La Jolla Christian Fellowship

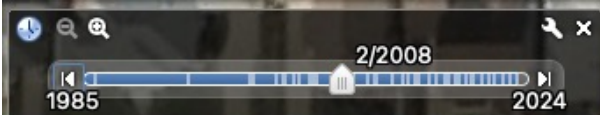
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Image U.S. Geological Survey



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Google Earth



February 2008

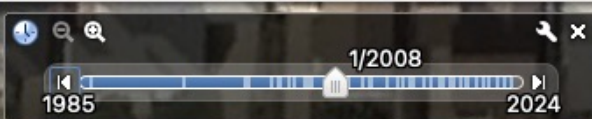
La Jolla Christian Fellowship

623 Glenview Ln

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Imagery Date: 12/30/2007 32°50'11.06" N 117°16'36.40" W elev 96 ft eye alt 653 ft



January 2008

La Jolla Christian Fellowship

623 Glenview Ln

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May 2007

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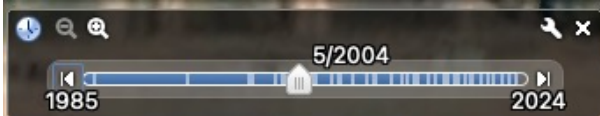
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La Jolla Christian Fellowship

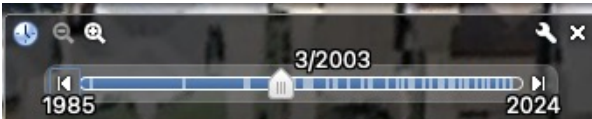
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March 2003

La Jolla Christian Fellowship

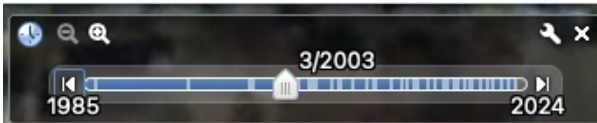
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Image U.S. Geological Survey

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March 2003

La Jolla Christian Fellowship

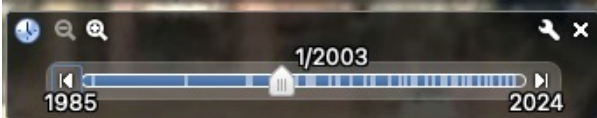
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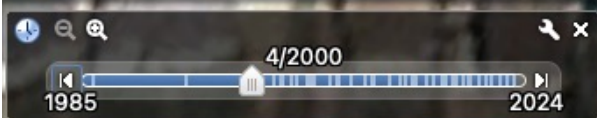
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April 2000

La Jolla Christian Fellowship

623 Glenview Ln

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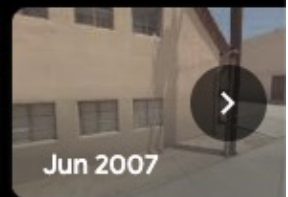
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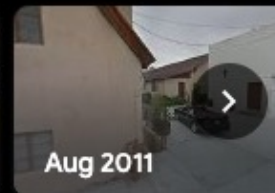
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July 2018





December 2015



December 2014



May 2014



August 2011

