



DEPARTMENT OF CITY PLANNING

City Hall • 200 N. Spring Street, Room 667 • Los Angeles, CA 90012



December 17, 2015

TO: All Staff
Other Interested Parties

FROM: Michael LoGrande *MLG for MLC*
Director of City Planning

SUBJECT: **IMPLEMENTATION OF AB 744 – DENSITY BONUS**

On October 9, 2015, Governor Brown signed [AB 744 \(2015\)](#), which amended sections of the State Density Bonus Law (Gov't Code §65915). The law prevents local jurisdictions from imposing vehicular parking requirements higher than those established by the legislation, upon the request of a developer, provided that the project includes enumerated percentages of affordable housing and is located near designated public transit.

The City has received numerous questions regarding the implementation of AB 744. As the City is unable to amend the local density bonus ordinance implementing State law prior to January 1, 2016 (when the law takes effect), this memo will serve as interim direction for staff and project applicants. It is meant to provide guidance on State law and does not create any new or additional City policies or regulations.

Eligible Projects

Upon request from a developer, AB 744 requires local jurisdictions to approve alternative parking ratios for two types of eligible projects:

- 1) 100% affordable developments consisting solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; and
- 2) Mixed-income developments consisting of the maximum number of very low- or low-income units provided for in density bonus law, which is 11% and 20% respectively (calculated prior to any units added through a density bonus).

New Parking Requirements

The vehicular parking ratios, inclusive of handicapped and guest parking, that may be requested for different project types are as follows:

- 1) For 100% affordable rental projects located within ½ mile of a major transit stop¹, the City may not impose a parking requirement in excess of 0.5 spaces per unit;

¹ "Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.

- 2) For 100% affordable rental senior projects² having either paratransit service or unobstructed access, within ½ mile, to fixed bus route service that operates at least eight times per day, the City may not impose a parking requirement in excess of 0.5 spaces per unit;
- 3) For 100% affordable rental special needs projects³ having either paratransit service or unobstructed access, within ½ mile, to fixed bus route service that operates at least eight times per day, the City may not impose a requirement in excess of 0.3 spaces per unit; and
- 4) For mixed income projects within ½ mile of a major transit stop to which the project has unobstructed access, the City may not impose a requirement in excess of 0.5 spaces per bedroom.

If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

A “major transit stop” is defined in subdivision (b) of Section 21155 of the Public Resources Code (and noted in footnote 1 above). A development shall be deemed to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

Implementation and Timing

Following January 1, 2016, developers of eligible projects will be able to request the new AB 744 parking standards be applied to their projects. Applicants with projects already in the entitlement or building permitting process are allowed to request an amendment to their applications. Similarly, projects that have already been approved may request a modification to their applications, subject to existing project modification procedures.

The reduced parking requirements established in AB 744 are available as part of a typical density bonus entitlement request through the Department of City Planning. However, they may also be obtained as a “by right” ministerial action, along with a density bonus, when an (on- or off-menu) incentive is not being sought as part of the project and the project meets the zoning code. Similar to a request for Parking Option 2 in LAMC 12.22.A.25 (d), a developer will be asked to complete the Department of City Planning’s [Affordable Housing Referral Form](#) and request the “LADBS Ministerial” type of application under section 3.B (write in “AB 744 Parking Option” until the form is updated). Applicants must also file a Land Use Covenant application through the [Department of Housing and Community Development \(HCIDLA\)](#).

² For individuals who are 62 years of age or older and in compliance with Sections 51.2 and 51.3 of the Civil Code

³ As defined in Section 51312 of the Health and Safety Code