


June 15, 2023

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FROM: David DeGrazia, Deputy Director 
Current Planning

ASSEMBLY BILL 682 AND ASSEMBLY BILL 2334: DENSITY BONUS LAW

On September 28, 2022, the Governor signed Assembly Bill (AB) 682 (Bloom) and Assembly Bill (AB) 2334 (Wicks), which amended Section 65915 of the Government Code and became effective January 1, 2023. A copy of the State law (Attachment A) is attached for your reference.

This memo, which addresses the bills, supersedes any conflicting provisions in the County Zoning Code (Title 22) and shall apply until such time when Title 22 is amended.

I. Shared Housing Buildings

The Density Bonus Law is expanded to allow “shared housing buildings” as a type of housing development eligible to receive density bonuses and other benefits if certain criteria and requirements are met.

A. Definitions.

1. “Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

2. “Shared housing unit” means one or more habitable rooms, not within another dwelling unit, includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations),¹ and complies with the definition of “guestroom” in Section R202 of the California Residential Code.²

B. Rules and Calculations.

1. Eligibility. A shared housing building development is eligible for a density bonus and other applicable benefits specified in Chapter 22.120 (Density Bonus), subject to an Administrative Housing Permit (Section 22.166.040), if it is one of the following:
 - a. A housing development with a very low- or lower-income housing set-aside pursuant to Section 22.120.050 (Affordable Housing); or
 - b. A senior citizen housing development pursuant to Section 22.120.060 (Senior Citizen Housing) of Title 22.
2. Density Bonus.
 - a. A shared housing building development with a very low-income housing set-aside shall receive a density bonus pursuant to Table 22.120.050-A of Title 22, with the following exceptions:

¹ Habitable rooms shall have a floor area of not less than 70 square feet and be not less than 7 feet in any horizontal dimension. Portions of a room with a sloping ceiling measuring less than 5 feet or a furred ceiling measuring less than 7 feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

² Any room or rooms used or intended to be used by one or more guests for living or sleeping purposes.

Very Low Income (50% AMI) Set-Aside	Density Bonus
12%	38.75%
13%	42.50%
14%	46.25%
15%	50%

- b. A shared housing building development with a lower-income housing set-aside shall receive a density bonus pursuant to Table 22.120.050-A of Title 22, with the following exceptions:

Lower Income (80% AMI) Set-Aside	Density Bonus
21%	38.75%
22%	42.50%
23%	46.25%
24%	50%

- c. For purposes of calculating a density bonus for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities.

II. Affordable Housing Development in Very Low Vehicle Travel Area

In addition to the density bonuses and other benefits provided in Section 22.120.050 (Affordable Housing), a rental housing development, including a shared housing building development as defined in part I of this memo, shall receive 1) an unlimited amount of density bonus; 2) up to four incentives; 3) a height increase of up to three additional stories, or 33 feet; and 4) waivers or reductions of development standards pursuant to Section 22.120.090, subject to an Administrative Housing Permit (Section 22.166.040), if it meets all of the following:

- A. Location. The development is located in a “very low vehicle travel area,” which is an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of the regional vehicle miles traveled per capita.³

³ Parcels that are located in a very low vehicle travel area are identified on the “SCAG - Low Vehicle Miles Traveled” layer on GIS-NET.

B. Affordability. The development meets the following affordability requirements:

1. At least 80 percent of all units, including the density bonus units but excluding the manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code (Lower Income Limit per HCD); and
2. Up to 20 percent of all units, including the density bonus units but excluding the manager's unit or units, with rent set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee (Lower Income Limit per TCAC).

III. Parking

If a rental housing development, including a shared housing building development, meets the affordability requirements specified in part II.B of this memo, it shall be exempt from any parking requirements if any of the following apply:

- A. The development is located within one-half mile of a major transit stop and there is unobstructed access⁴ to the major transit stop from the development;
- B. The development is a rental housing development for individuals who are 55 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access,⁵ within one-half mile, to fixed bus route service that operates at least eight times per day; or
- C. The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special needs housing development shall have either paratransit service or unobstructed access,⁵ within one-half mile, to fixed bus route service that operates at least eight times per day.

If you have any questions regarding this memo, please contact Tina Fung in the Housing Policy Section at (213) 974-6417 or tfung@planning.lacounty.gov.

⁴ If a resident is able to access the major transit stop without encountering natural or constructed impediments.

⁵ If a resident is able to access the fixed bus route service without encountering natural or constructed impediments.

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Attachment:

A. Government Code Section 65915

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