

IV. Legislative Committee Report

A. Oppose AB 744 (Chau) Planning and Zoning: Density Bonuses

DRAFT

June 24, 2015

The Honorable Ed Chau
California State Assembly
State Capitol, Room 2179
Sacramento, CA 95814

VIA FAX: (916) 319-2049

Re: **AB 744 (Chau) No Parking Minimums. Notice of OPPOSITION**

Dear Assembly Member Chau

On behalf of the Los Angeles County Division (Division) of the League of California Cities®, representing 86 cities in the county, I respectfully write to notify you of our opposition to your AB 744. We understand that the League has worked with your office, however, the recent amendments represent only minor progress in addressing city concerns. Poorly-planned housing projects with inadequate parking will negatively impact the quality of life of the vulnerable populations of identified residents and create negative spillover effects on adjacent properties and increase community resistance to future development.

Existing Density Bonus Law requires a maximum of *one parking space per bedroom*, with the developer empowered to negotiate additional parking concessions. AB 744 maintains that this standard should be reduced for certain niche projects where it can be demonstrated that less parking is necessary. Fair enough; the League and the Division has been willing to engage in that discussion. But while some housing projects (serving unique populations) need less parking, we reject the notion that there should be no minimum level of parking, unless there is no policy concern for the social equity effects of such a policy on the residents and for spillover impacts on adjacent homes and businesses.

- ◆ **Seniors Still Own Cars.** AB 744 offers a complete exemption for senior housing, 62-plus, with no connection to transit. *While it may be fair to assume that seniors reduce automobile ownership as they age, there is little evidence that they give up their cars entirely at age 62, when many are still highly active, employed and not even fully eligible for social security. Rather, most seniors, especially in areas that lack adequate transit, want to retain the freedom and security of their automobile until they are no longer able to safely drive. Not recognizing the true needs of such projects will create spillover effects on adjacent properties. Furthermore, seniors with mobility issues and safety concerns should not be expected to park long distances from where they live. Adequate parking should also be available for guests and service providers. The League offered to reduce parking for such projects from existing law's one space per bedroom to one space per unit.*
- ◆ **Low Income People Still Own Cars.** AB 744 offers a complete exemption for housing for lower (80 percent of median) income, near transit. *People with lower incomes have to travel to jobs, they have to shop and take their children to school or a doctor's office. Transit does not go to all these places in a reliable, safe and timely manner. In fact, the statistics in subdivision (g) of the intent language, which cite a reduction in vehicle miles of "25-30%" near transit, support the need for adequate parking. It is obvious that auto use is not eliminated by such projects, nor is parking demand. Given the proximity to transit and likely lower rates of car ownership, the League offered to reduce parking for such projects from existing law's one space per bedroom to .5 spaces per bedroom.*
- ◆ **Special Needs Residents and Workers Still Own Cars.** AB 744 offers a complete exemption for special needs populations, with no connection to transit. *This housing with supportive services is targeted*

towards populations with special needs, including persons at risk of homelessness, persons with disabilities and other issues. Such populations may have a lower level of car ownership than the general population, but car ownership is not eliminated, and there are additional needs created by the presence of workers, staff and visitors. For a homeless individual their car may be their only possession and path to future employment opportunities. Given the unique needs of these facilities, the League offered to reduce parking for such projects from existing law's one space per bedroom to .5 spaces per unit.

- ◆ **Market Rate Homeowners Still Own Cars.** AB 744 assumes market rate residents own cars at the same level of lower income residents, near transit. While the above projects in this bill have no minimum parking requirements, we acknowledge and appreciate the recent amendment that would at least require a minimum parking level of .5 per bedroom for a market rate project near transit that has a portion of affordable housing units. Missing from this proposal, however, is an evaluation of whether there are differences between the rates of automobile ownership between those qualifying for affordable housing and working professionals and others. The League has received no information to assume that such rates are the same. Given proximity to transit, the League offered to reduce parking for such projects from existing law's one space per bedroom to .5 spaces per bedroom and .75 per bedroom for the market rate.
- ◆ **Costly Studies from Planners and Consultants.** This bill removes any parking baseline from various housing projects, even when they have no connection to transit. Therefore, the bill, in effect, eliminates local parking requirements. Since the bill would prohibit minimum parking criteria for the various projects affected by this bill, existing local parking regulations would have to be reworked, likely at significant cost. Since projects under the bill can be proposed anywhere, even away from transit, local agencies will have no way of determining where to start, and will have to commission costly studies to restore common sense levels of parking to match the demands of new buildings.
- ◆ **Social Equity Concern.** It makes sense to make sure parking requirements of new housing take into account transit and the unique characteristics of the building's intended residents to ensure that required parking does not exceed demand. However, the intent language, such as subdivisions, (h), (m) and (q) (5), added to this proposal also suggests that a broader objective is to reduce the ownership of cars by the affected households by reducing available parking. In a society where the affluent always have options, why should seniors, low income and special needs households be pressured to give up their cars and the safety, and economic freedom that goes with them? **The cities of California and their elected councils take no comfort in subdivision (q) of the intent language which advocates: "allowing builders and the market to decide how much parking is needed."**

For these reasons we oppose AB 744. Should your office have further questions or wish to discuss further with the Division, please contact Kristine Guerrero at (626) 716-0076.

Sincerely,



Steven Ly
President, Los Angeles County Division, League of California Cities

CC: Los Angeles County Senate Delegation
Dan Carrigg, League of California Cities

Please note: As part of its expanded advocacy program, the Los Angeles County Division of the League of California Cities is now tracking votes of Los Angeles area Legislators and will issue a report at the conclusion of the legislative session to all its member cities regarding the consistency of legislators' votes with the positions of the Los Angeles County Division of the League of California Cities.