

April 21, 2023

Honorable Members of the Planning and Land Use Management Committee

Re: DTLA 2040 Community Plan Update

Dear Planning and Land Use Management (PLUM) Committee Members,

We commend the excellent work of all staff who developed the thoughtful and forward looking DTLA 2040 plan before us today. We especially want to uplift the efforts of the Department of City Planning Staff for spearheading this inclusive and collaborative effort since 2014 and being receptive to all of our needs. We also would like to thank members of the DTLA community and all stakeholders for their continued engagement and advocacy to help shape the plan to reflect their needs and vision.

By adopting this plan, the City will focus 20% of its housing growth (125,000 new residents and 55,000 jobs by 2040) in a jobs rich area, while incentivizing the production of affordable housing via a carefully calibrated inclusionary zoning program.

Given the nearly decade-long effort and extensive amount of resources spent from all parties involved to bring this plan before you, we urge the PLUM Committee to adopt the DTLA plan and consider the following modifications to help advance our City's housing, climate and equity goals while freeing up the City's resources to develop the rest of our community plans so that we can continue to work towards a healthier, safer and more equitable City for all Angelenos.

Incentivizing Affordable Housing while Advancing Climate Goals

Most of DTLA is within Development Standards District 5 (DSD5) which prioritizes the pedestrian experience and as a result does not mandate the construction of automobile parking. If parking is constructed, it must meet high design standards so that the upper floors are adaptively reusable.

Now that the DTLA plan will be incorporating a graduated inclusionary zoning requirement where developing Base FAR requires a minimum percentage of affordable units to be developed, it makes sense to include the development of above grade adaptively reusable parking structures as part of this base calculation in order to incentivize the development of affordable housing should a developer choose to build parking.

Los Angeles City Hall
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Los Angeles, CA 90012

At the moment, despite prioritizing the pedestrian experience in DSD5, if above grade parking structures are developed, the FAR for the parking structure is omitted from the overall FAR, even though the upper floors of the parking structures are designed to be converted to other uses, including residential units. This provides a backdoor incentive to develop above grade parking structures in DTLA despite the need to prioritize the pedestrian experience while reducing our dependence on personal vehicles which still contribute the majority of Greenhouse Gas Emissions in California and result in at least 200 pedestrian deaths in the City of Los Angeles each year.¹

Our State's ambitious climate goals as outlined in the California Air Resources Board 2022 Scoping Plan aim to cut Greenhouse Gas Emissions to 85% below 1990 levels by 2045 and Vehicle Miles Traveled to 30% below 2019 levels by 2045.

Let's ensure DTLA 2040 can lead the State in meeting our carbon neutrality goals to help reduce the impacts of climate change for future generations while also reducing car accidents that result in pedestrian fatalities so that we can achieve Vision Zero in DTLA as soon as possible.

Our office proposes the following technical changes to the DTLA Plan:

New Zoning Code, Article 14 General Rules, SEC. 14.1.7 Floor Area.

Modify Section item L.1. of Exhibit F.6: Director of the Director of Planning's Memo dated September 29, 2022 to the PLUM Committee as follows in order to count all above grade parking within Development Standards District 5 towards Floor Area.

Sec. 14.1.7. Floor Area

The cumulative amount of interior floor space on a lot.

A. Measurement

1. General

- a. Floor area is calculated as the sum of all interior floor space for each story of a building.
- b. The following areas are included in the calculation of floor area:
 - i. All areas within the exterior walls of a building; and
 - ii. All areas within the exterior walls of any structure that is both enclosed (Sec. 14A.1.4.C.1.) and covered (Sec. 14A.1.1.B.1.).
- c. The following are not included in the calculation of floor area:
 - i. Exterior walls.

¹ LADOT, Vision Zero

<https://ladotlivablestreets.org/programs/vision-zero#:~:text=Vision%20Zero%20is%20Los%20Angeles's,to%20move%20throughout%20our%20city>

- ii. Bicycle parking areas.
- iii. All interior floor space dedicated to automobile parking except ~~for House Form Districts (Div. 2B.3.)~~ as specified in Sec. 14.1.7.A.2. (House Form Districts) and Development Standards District 5 as specified in Sec. 14.1.7.A.3. (Development Standards District 5).
- iv. Spaces with ceiling heights less than 7 feet measured from finished floor, including floored attic space.
- v. Basements (Sec. 14.1.18.B.) or underground structures, such as underground parking and cellars with the exception of Indoor Storage, Self Service use areas.
- vi. Stairways and elevator shafts.
- vii. Mechanical equipment that is integral or incidental to the operation of on-site buildings, provided that the equipment does not serve any off-site buildings.

2. House Form Districts

- a. Any floor or portion of a floor with a ceiling height greater than 14 feet counts as twice the square footage of that area.
- b. Up to 400 square feet of a detached garage is exempt from the calculation of floor area, provided the structure is:
 - i. Separated from the primary structure a minimum of 10 feet; and
 - ii. Located a minimum of 40 feet from a primary street lot line.
- c. Up to 200 square feet of an attached garage is exempt from the calculation of floor area.
- d. No more than 400 square feet of garage floor area per lot shall be exempt.
- e. Detached accessory buildings that do not exceed 18 feet in height and 200 square feet in floor area are exempt from the calculation of floor area, provided that the total combined area exempted of all the detached accessory buildings on a lot does not exceed 400 square feet in floor area.

3. Development Standards District 5 (~~Div. 4B.5~~)

- a. All covered, above-grade parking areas located on a lot zoned with Development Standards District 5 (Div. 4B.5.) ~~where a portion of the lot falls within a quarter mile of a rail station~~ are included in the calculation of floor area. ~~Any rail station that is existing, under construction, or included in the most recent Southern California Association of Governments (SCAG) Regional transportation Plan (RTP) is counted for the purposes of this provision.~~
- b. For lots meeting the specifications in Sec. 14.17.A.3.a. above, active space located on the ground story is exempt from the calculation of floor area. For the purposes of exempting active space located on the ground story from the calculation of floor area, the active space shall have a minimum depth of 30-feet measured from the street facing building face. Active space includes indoor occupiable spaces designed and intended for General Commercial uses, Institutional uses, or Common Indoor Amenity Space.

Requiring Affordable Housing in Adaptive Reuse Development

We appreciate the clarity in the Planning Director's Memo to ensure Adaptive Reuse Projects are subject to the Affordable Housing Linkage Fee. The study that the CPC requested to determine the feasibility of requiring affordable housing in DTLA adaptive reuse projects analyzed the most recent impacts of the pandemic and determined it was infeasible. However, if we don't reassess the ability to integrate affordable housing in adaptive reuse projects in the future there may be a missed opportunity. We request benchmarks to be outlined as part of the housing element progress report to continue to re-evaluate the potential for requiring affordable housing in adaptive reuse projects in the future.

Exempt Publicly Subsidized Housing Developments from Two Bedroom Requirement in Chinatown

The DTLA Community Plan Implementation Overlay (CPIO), Subarea A.3 in Chinatown requires that all housing developments include two bedroom units in a minimum of 30% of the total development. This provision was strongly advocated for by local residents and their supporters in order to balance the likelihood that the market in the DTLA plan area would likely produce housing typologies with zero or single bedrooms, eroding away space for families to live in DTLA and within walking distance of both a major job center and open space.

Given the scarcity of publicly subsidized funding available to develop affordable housing units and the highly competitive and changing nature of public funding available to subsidize units, our Council Office does not want the City to lose its competitive edge when developing affordable housing in this area. We therefore propose to exempt affordable housing developers who develop housing with public subsidies from this requirement and propose the following language to the CPIO:

Modify Exhibit D.1, the Downtown Community Plan Implementation Overlay (CPIO), Chapter II-II.B.4 to add the following language as represented by underlined text:

Dwelling Unit Mix and Location. For sites located in Subarea A.3, a minimum of 30% of the total dwelling units for an eligible Housing Development shall be two bedrooms or greater; except for:

- a. A housing development project in which one hundred percent of all dwelling units, exclusive of a manager's unit or units, are restricted affordable units
- A mixed-income housing development project utilizing public subsidies that are tied to a specified number of bedrooms.

Historic/Cultural Preservation in Chinatown Central Plaza

In order to preserve the unique character of the Chinatown Central Plaza, our Office proposed to retain the five story height limit that was originally proposed by the Planning Department and advocated for by local residents. The previous Council Office for District 1 ignored the requests of the community and proposed increasing the height limit, potentially threatening the ability for this charming asset to exist in the future. We therefore make the following recommendation:

- Remove section N.3 from the Director of Planning's Memo dated September 29th, 2022 in order to retain a five story height limit story height applied in the MID-RISE NARROW 1 (MN1) Form District, as applied within Chinatown on parcels generally bounded by Bernard St. and College St. to the north, Broadway and Spring St. to the east, Alpine St. and College St. to the south, and Hill St. and Yale St. to the west.

Recommendation to Remove the Restaurant Beverage Area Designation from the Chinatown Community

While we understand that the Restaurant Beverage Program (RBP) is designed to streamline city processes for permitting alcohol uses in restaurants and bars, there are key improvements that our office recommends to the program before it launches in Council District 1.

As it currently stands, the RBP application is only available in English and is only online. There is currently no community outreach plan or process that has been developed in order to ensure that small businesses who may have language access and digital accessibility challenges can take advantage of the program.

We want English and non-English speaking businesses to have the same advantages when it comes to accessing this new program in Council District 1 in order to advance equity and curb gentrification. The irony of developing a program to streamline the restaurant industry in Los Angeles—known for its delicious cuisine from countries around the world—to be only available in English is not lost on us.

Our Office will be working separately to ensure improvements are made to the City's RBP program before it launches in CD 1, but for now we request the following:

Modify the Director of Planning's Memo dated September 29th, 2023 section G.1 Figure 7. Alcohol Permission Area Map to remove Restaurant Beverage Area designations within Council District 1 boundary.

Bird Protection in Areas Surrounding Elysian Park

The City will benefit significantly from the Wildlife Protection Ordinance, which thus far has only been implemented on the Westside. As part of our commitment to protect avian wildlife in Elysian Park, our office will be working to instruct Building and Safety to study and report back on glass reflectivity standards for developments within 200 feet of Elysian Park in order to implement bird-safe window and facade requirements in the building code.

Support Garment Workers and Fashion Industry

The Los Angeles Garment Production Industry is one of the largest in California and the US, producing \$15 billion worth of products each year as estimated by the California Fashion Association² and noted in a recent Garment Worker Center (GWC) public comment letter. We support the Garment Worker Center and thank them for making such a strong case for underscoring how important this industry is to the Los Angeles economy as a whole.

We commend the Department of City Planning for being receptive to this industry's feedback and making dozens of land use changes to the plan in order to be responsive to their concerns. We wanted to support the call for prohibiting hotels from locating within the Fashion District in IX3, IX2, I1, and I2 zones in order to not erode away the production-based uses that are integral to preserving and growing this specific economy.

² California Style: Financing the West Coast's Apparel Industry. Sept 1, 2022, <https://www.mannpublications.com/fashionmannuscript/2022/09/01/california-style-financing-the-west-coasts-apparel-industry/>

Our Office has intently listened to the Garment Worker Center, the LA Fashion Business Improvement District and a variety of stakeholders and Departments regarding the need to develop a strategy that will preserve the industry as a whole while growing the industry to become more economically just and environmentally sustainable. Much of what the GWC is calling for extends beyond the purview of land use and necessitates a program that is flexible and can grow over time in order to adapt to the changing needs of the industry.

Our office is proud to announce that we are committed to collaborating with the GWC, partners on the ground and across the City family to craft a creative set of strategies to preserve, grow, and improve the garment production and fashion industry over time. We will be sure that the solution is resourceful and leverages existing programs while thoughtfully filling gaps that compliment the land use policy changes in DTLA 2040.

Preserve

While there are many changes and modifications you will be considering, we urge you to especially protect the following provisions in the draft plan and the Planning Director Memo from further changes:

- Preserve the current IX1 district boundary and requirements to incentivize the 100% low income housing and supportive services the Skid Row Community needs and has advocated for. This community of acutely low income people have lived within this area for over one hundred years. Ensuring that the development of this area of DTLA continues to provide deeply affordable housing is critical to ensuring that we don't turn our back on this community and provide the residents with the resources they need to thrive.
- Preserve the Community Facilities program from having Council oversight. Given the thoughtful and inclusive framework for the DTLA community advisory board, and direct link between the in-lieu fees for the Community Facilities program, there is no need for a Council Office to have discretionary oversight over how the Community Facilities program dollars are spent.
- Adopt the graduated inclusionary zoning base and bonus program as recommended in the Director of Planning's Memo to the PLUM committee informed by the HR&A Advisors "Summary of Feasibility Results for an Inclusionary Housing Ordinance in Downtown Los Angeles" that was requested by the City Planning Commission.

Thank you,



Councilmember Eunisses Hernandez, District 1 - City of Los Angeles