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September 19, 2023

Los Angeles City Council
c/ o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REPORT ON POTENTIAL MODIFICATIONS TO THE DOWNTOWN COMMUNITY PLAN
RELATED TO PUBLICLY ACCESSIBLE OPEN SPACE, AMENDING MOTION 54A, ITEM
5; CF-22-0617-Sx**

On May 3, 2023, the City Council approved the Downtown Los Angeles (DTLA) Community Plan Update. The approval included an [amending motion](#) (Motion 54A, Item 5) that was introduced by Councilmember de Leon (Council District 14) and was approved by City Council. The motion directed Los Angeles City Planning, in consultation with the City Attorney, and The Department of Recreation and Parks (RAP), to prepare a report with recommendations within 60 days to address various regulations related to the provision of publicly accessible open space:

- Item 5.a. An approval process that ensures all publicly available open space meets design standards and requirements established by the Department of Recreation and Parks for city parks;
- Item 5.b. Review by the Department of Recreation and Parks to ensure that developments provide a wide variety of open space options and that every development does not construct the same recreational improvements;
- Item 5.c. A maintenance plan for all privately owned public open space that is approved by the Department of Recreation and Parks;

- Item 5.d. A community benefit program that allows developments to contribute to a select list of priorities established by the Department of Recreation and Parks, and approved by the Council, including but not limited to:
- Construction of new parks in neighborhoods where there are no parks within 1/2 mile of a potential park site; and
 - Rehabilitation of Pershing Square.

The following report provides background information and describes the zoning regulations that were recommended/modified by the various decision-making bodies during their consideration of the Downtown Community Plan.

Background

Creating new open space to meet the recreational needs of Downtown's growing community continues to be a challenge due to the limited amount of land available for open space in Downtown's dense urban center, and Privately Owned Public Spaces (POPS) have become a successful mechanism to increase the provision of public open spaces. POPS are publicly accessible open spaces maintained and managed by property owners as part of a development project in exchange for bonus floor area. With the adoption of the Downtown Community Plan and new Zoning Code, POPS is an option in the Community Benefits Program. The Downtown Plan's objective to support high-quality open space are expressed in Plan policies and in the implementation of the new Zoning Code and the Downtown Community Plan Implementation Overlay (CPIO) District. As well-designed and well-maintained public open spaces are critical to a vibrant and sustainable city, Council District 14 requests effective regulations to ensure high-quality public open spaces are inclusive and attractive for public use.

Facilitating open space incentives in Downtown

The goals and policies of the Downtown Community Plan regarding open space have guided the application of zoning regulations that in some cases require and in other cases incentivize the development of private and public open space in the Plan Area. Under the Plan, all projects – including residential and non-residential projects – are required to provide on-site open space (referred to the Zoning Code as Lot Amenity Space). The new Zoning Code requires all projects to provide on-site private open space and the Downtown CPIO outlines a pathway for development incentives if an eligible development project chooses to make that open space publicly accessible. In the Plan's Community Benefits Program, developers may choose to exceed base development rights and build larger buildings in exchange for providing commensurate public benefits such as publicly accessible open space, affordable housing, or community facilities. Unlike the citywide Park Mitigation Fee (known as the Quimby Fee), which requires fees for all projects to build parks, the Community Benefits program provides incentives to encourage POPS on-site – ultimately providing a direct resource to the local community in which the project is located. Nothing in the Downtown CPIO District is intended to override or conflict with any regulations in the City of Los Angeles Municipal Code (LAMC) or other

ordinance establishing a park or Quimby fee or park or open space dedication requirement, including any provisions related to credits or fee and dedication calculations.

Item 5.a. Discussion

Council District 14 in Motion Item 5.a. requested an assessment for a Department of Recreation and Parks (RAP) approval process that ensures that all privately owned public space in the Downtown Plan Area meets city park design standards and requirements established by the Department of Recreation and Parks. In order to address this request it is necessary to first consider the mechanics of the Downtown Community Benefits Program, which is the incentive-based system by which POPS can be delivered in Downtown.

Downtown Community Benefits Program Structure

The City Council established the Downtown Community Benefits Program to facilitate affordable housing, POPS, and community facilities within Downtown by private development in exchange for higher development potential (generally increased FAR, and relief from other zoning provisions). The Community Benefits Program prioritizes the provision of affordable housing, followed by other amenities and neighborhood serving uses such as POPS, public parks, child care facilities, schools, libraries, and various social services, among others. The scale of benefits required to achieve the bonus incentives would increase in proportion to the level of bonus development rights. The Program is structured into three different levels as described below, and illustrated in Figure 3:

Level 1.

Under Level 1 Housing Development Projects can gain up to a 40% Bonus FAR in exchange for providing Restricted Affordable Units at the following rates: 7% acutely low income, 8% extremely low income, 11% very low income, 20% low income, 40% moderate income.

Alternately, projects can receive the allowed bonus FAR in Level 1 by paying a per unit in lieu fee or providing units off-site within the Downtown Plan Area. Level 1 of the Community Benefits Program does not apply to Non-Housing Development Projects and Non-Housing Development projects are not subject to the above affordable housing requirements to achieve bonus development potential and can instead access bonus incentives by providing community benefits under Level 2 described below.

Level 2.

Includes housing projects that fully exhaust Level 1 (i.e. receive a full 40% bonus in FAR) and choose to provide a selection of the following: Publicly Accessible Open Space, Community Facilities, Transfer of Development Rights for Historic Preservation (in Arts District, Chinatown, and Little Tokyo) or by providing more Restricted Affordable Housing Units. Non-housing projects are required to provide a selection of the same benefits as housing projects, excluding affordable housing to achieve the bonus FAR.

If an eligible development project chooses the option of providing POPS, the project may obtain an additional 1.0:1 FAR by meeting a number of requirements, outlined in Table 1.

Table 1. Requirements for Privately Owned Public Space Amenity
<ul style="list-style-type: none"> • Size requirements <ul style="list-style-type: none"> • For every additional four percent of buildable lot area dedicated as publicly accessible outdoor amenity space above the subject site's required Lot Amenity Space, eligible projects may obtain an additional 1.0:1 FAR up to the maximum bonus FAR allowed by the applied Form District • All portions shall be contiguous • Shade, planting, seating, access, visibility, and way-finding standards • At least one public restroom and water fountains • Public charging stations for personal electronic devices • At least one of the following amenity options for public use that occupy a minimum of 400 square feet with no horizontal dimension less than 15 feet and be located within or adjacent to the publicly accessible open space: <ul style="list-style-type: none"> • <i>Outdoor exercise equipment</i> • <i>Sport courts</i> • <i>Dog run</i> • <i>Children's play area</i> • <i>Community garden</i> • <i>Public art or historical interpretive element</i> • <i>Alternative Open Space Amenities deemed appropriate by the Director of Planning and approved under a Director's Determination</i>

Level 3.

Projects that fully satisfy Level 1 and Level 2 can access the remaining Maximum Bonus FAR prescribed by the Form District by providing additional benefits identified in Level 1 and 2 (i.e. additional Restricted Affordable Housing Units, or additional onsite benefits such as Publicly Accessible Open Space, Community Facilities, or Transfer of Development Rights) or pay a fee towards the Downtown Community Benefits Trust Fund at \$50 per square foot of requested bonus FAR. The Trust Fund allows for fund disbursements toward public benefit projects in the Downtown Plan Area after Council approval of advisory recommendations from the Downtown Community Benefits Trust Fund Oversight Committee. Programs that qualify for receiving the funds include maintenance and construction of parks and open space, programs to support affordable housing such as funding for Community Land Trusts or funds to extend expiring affordable housing covenants, mobility and street improvements, programs for small legacy and community-serving businesses, design and procurement of sidewalk vending carts, resiliency centers, and amenities for people who are experiencing homelessness. The Community Benefit Trust Fund ordinance prioritizes fund disbursement to economically disadvantaged communities within the Downtown area. Eligible programs may be amended from time to time.

Per the Community Benefit Trust Fund ordinance, an oversight committee is composed of representatives from City Departments, offices of elected officials, and members of the community will make recommendations for the appropriation of funds to qualifying projects, which will ultimately be subject to City Council approval.

The Downtown Community Benefits Program was shaped by the policies and priorities of the City and as well as substantial input from community residents, business groups, developers, and advocates. The program explicitly prioritizes the creation of much needed affordable housing to make Downtown more affordable, especially for lower-income households, in proximity to existing and anticipated jobs, amenities including open space, services and transit resources. The system also deliberately focuses on a set menu of community benefits that are most needed in Downtown, including POPS, and are achieved as part of the delivery of a development project. To better facilitate housing production and investment in Downtown, the Community Benefits Program is largely designed to be implemented through a ministerial process, and therefore, includes a predefined set of standards and requirements. As described in Table 1 above, these built-in set of standards and requirements ensure POPS provided under the program include needed services and amenities and functions as a desirable public amenity. However, a discretionary path will also be available for those projects that cannot comply with these predefined standards.

The Downtown Plan reduces and streamlines requirements that currently serve as a barrier to investment Downtown. By using clearer requirements within the new Zoning Code and Downtown CPIO, more projects will be able to avail of ministerial processes rather than rely on discretionary review. Modifying the program as suggested under Motion Item 5.a. to include an approval process by the Board of Recreation and Park Commissioners would be contradictory to the Plan's stated goals. Review from the Board of Recreation and Park Commissioners, who approve city park design standards and requirements on a case-by-case basis, will require a discretionary process, and would therefore impact the housing and economic streamlining offered under the Downtown Plan.

Currently, comprehensive guidelines for city park design standards and requirements are not available. As determining the needs of each city park on public land is unique in its features and requirements, the Department of Recreation and Parks tailor recreational improvements to each public park. Carrying over the discretionary process of recreational improvements in city owned parks to private development may be a disincentive for future development projects to opt into providing open space in the Downtown Plan Area. However, if a comprehensive reference tool for open space design and regulations is released from RAP, City Planning recommends a future amendment to Appendix D Public Realm Best Practices of the Downtown CPIO to comply with standards, guidelines, and requirements established by RAP.

Item 5.a. Recommendation

It is not recommended that eligible projects choosing to provide POPS in the Downtown Community Benefits Program be routed to a discretionary process for approval by the Board of

Recreation and Parks to ensure POPS in Downtown meet RAP's process for approving city park design standards and requirements. The change in process from a ministerial to discretionary process would undercut the Downtown Plan's ability to deliver publicly accessible open space. The City should continue to rely upon the standards that already exist within Article 9 of the new Zoning Code, and the Downtown CPIO to ensure the quality and functionality of POPS in Downtown.

Item 5.b. Discussion

Item 5.b. instructs a report on requiring that POPS go through review and approval by the Department of Recreation and Parks to ensure development projects provide a wide variety of open space and every development does not repeat the same recreational amenities in POPS located within the Downtown Plan Area.

Currently, the Downtown Community Benefits Program for POPS allows the following set of options for ministerial approval:

- outdoor exercise equipment,
- sport courts,
- dog runs,
- children's play areas,
- community gardens, or
- public art or historical interpretive elements.

These options are required to be a minimum of 400 square feet with no horizontal dimension less than 15 feet and located within or adjacent to the publicly accessible open space. The purpose of space requirements is to guarantee these amenity options provide a high quality recreational area, be perceived as public spaces, and be widely and actively used by the public.

The amenity options were developed from public feedback in multiple outreach meetings, workshops, and open houses. Stakeholders provided examples of desired public space amenities that would benefit their communities. The most preferred suggestions have been incorporated into the amenity options in the Downtown CPIO District. Stakeholder feedback also highlighted implementation challenges for publicly accessible open spaces, including problems with wayfinding, signage, operational hours, locked gates, limited access points, and inadequate shade, leading to low utilization by the public. Different communities in Downtown also shared specific needs that are directly reflected in the Downtown CPIO, such as the need for water fountains, public restrooms, and charging stations for personal electronic devices (which are required in all POPS). As a result of community feedback from a multi-year process, the set menu of amenity options allows for a ministerial review of development projects leading to a streamlined, time-saving project approval process to actualize open spaces in Downtown expeditiously.

Council District 14 expressed concerns of duplicative recreational amenities occurring in close proximity to one another that will lead to an oversaturation of identical amenity options in the

Downtown Plan Area. Based on stakeholder feedback regarding amenity options, staff does not believe an overproliferation of identical amenities will occur as future developments in Downtown will occupy a variety of site sizes impacting the size and features POPS can accommodate. However, as there is no parity in the amenity options in the Community Benefits Program, City Planning recommends the removal of public art and dog runs to ensure the remaining amenity options will provide the greatest impact in Downtown where a high deficit of open space exists. Public art will continue to be facilitated citywide by a number of existing development fees, including the Department of Cultural Affairs in the Public Works Improvements Arts Program (PWIAP) and the Private Arts Development Fee Program (ADF). These programs provide publicly accessible works of art, arts and cultural facilities, and services. The removal of dog runs is recommended as this would likely be the lowest-cost amenity on the list, and dog runs would still be permitted, but would not be counted as part of the incentive program.

In the interest to create the greatest impact for publicly accessible open space amenities in Downtown, further conversations with Council District 14 noted the lack of robust best practice guidance for the amenity options. While Appendix D, Public Realm Best Practices of the Downtown CPIO carries out common design objectives to promote design excellence for on-site open space and landscaping as well as public art, guidelines are not available for the remaining Privately Owned Public Space Amenity Options. City Planning recommends that City Council instruct the Department of City Planning, in consultation with the Department of Recreation and Parks, to develop best practices guidelines to be included as part of Appendix D for the Downtown CPIO for the following amenity options in the Downtown CPIO Privately Owned Public Space Amenity Options:

- Outdoor exercise equipment,
- Sport courts,
- Children's play area, or
- Community garden.

Item 5.b. Recommendation

It is recommended that City Council instruct the City Attorney to exclude dog runs and public art/historical interpretive elements as amenity options for POPS in the final Downtown ordinances, and instead create comprehensive guidelines for the remaining amenities in the Downtown Community Benefits Program, Appendix D. This approach aims to retain the ministerial approval process for qualified development projects that choose to offer POPS, ensuring the provision of the highest quality open spaces in Downtown.

Item 5.c. Discussion

Item 5.c. instructs City Planning to report on establishing a maintenance plan that is approved by the Department of Recreation and Parks for all privately owned public open space in the Downtown Plan Area. Currently, SEC. 9.3.3.F. of Article 9 in the new Zoning Code for the Privately Owned Public Space Incentive Program requires a covenant guaranteeing that

privately owned public space will be maintained. No further maintenance plan or standards have been established in Article 9 or the Downtown CPIO.

Maintenance plays a critical role in public spaces due to the link between maintenance and the perceived quality and public use of open space. Poor management and inadequate maintenance practices can cause public spaces to fall into damage and disrepair leading to further disuse and negatively impacting the surrounding community.

As part of the Parks Dedication and Fee Update Ordinance, the Department of Recreation and Parks manages a Covenant and Agreement where privately owned residential developments have an option to enter into an Operation and Maintenance Agreement to dedicate facilities for publicly accessible park and recreational purposes. This agreement includes standards and guidelines for Publicly Accessible, Privately Owned Recreation Areas detailing instructions for materials, tree and shrub care, track pick-up, graffiti removal as well as corrective actions.

Since POPS will already require the recordation of a covenant and agreement, pursuant to SEC. 9.3.3.F. of Article 9 these existing provisions can be modified to incorporate privately owned public space maintenance standards found in RAP's Exhibit C Privately Accessible Park and Recreational Facility Operation and Maintenance Agreement in City Planning's covenant agreement as an exhibit for standards and guidelines not already established in the new Zoning Code or the Downtown CPIO.

Item 5.c. Recommendation

It is recommended that City Council instruct the City Attorney to incorporate an Operation and Maintenance Agreement for Privately-Owned Public Space within Section 9.3.3.F of the new Zoning Code, inclusive of the following language:

A covenant acceptable to the Department of City Planning shall be recorded with the Los Angeles County Recorder, guaranteeing that the privately owned public space will be maintained in accordance with the Privately-Owned Public Space Operation and Maintenance Agreement as established by the Director of Planning, and remain open to the public during all required hours.

Item 5.d. Discussion

Item 5.d. instructs City Planning, in coordination with the Department of Recreation and Parks, to report on establishing a new community benefits program that allows developments to contribute to a select list of priorities established by the Department of Recreation and Parks, and approved by the Council, including but not limited to, construction of new parks in neighborhoods where there are no parks within ½ mile of a potential park site, and rehabilitation of Pershing Square. This request would allow development projects to provide funds to the City, in lieu of providing POPS, or other community benefits, directly as part of the Downtown development project.

This request highlights the complexity of addressing large scale open space needs within uniquely dense communities such as Downtown. The Downtown Plan has prioritized the more direct provision of public open space by private development projects, as this approach intends to fulfill Downtown's growing open space needs "in real time," as development occurs. Nevertheless, the need for larger scale open space and recreational facilities will continue to grow as the Downtown population continues to grow. While park facilities such as Grand Park, and California State Historic Park serve regional and local visitors, the need for additional open space, park, and recreational opportunities continues to grow. To that end, it is important to consider the number of ways that city-funded open space, parks, and recreation facilities are supported Downtown, under the Downtown Plan, as well as broader citywide regulations.

Community Benefit Trust Fund

In addition to development incentives for projects to provide publicly accessible open space, development projects have the option to pay into a Downtown Community Benefits Fund as part of the larger Community Benefits Program. This means that some development projects will have the option to contribute payments to a City trust fund that can be used to support open space. Disbursements from the Community Benefit Trust Fund can supplement the cost of acquisition and construction of new city parks such as the Ord and Yale Street Park in Chinatown, or help to improve facilities and maintenance at existing parks such as Gladys Park in Skid Row.

Downtown Plan Area's Contribution to the Citywide Park Fees Ordinance

To meet citywide goals of creating new open space for the recreational needs across all of Los Angeles' growing communities, the Parks Dedication and Fee Update ordinance (Park Fees) was passed by City Council on September 7, 2016 to be managed by RAP. The Park Fees, consisting of Quimby in-lieu and park mitigation fees, created a funding source by requiring most residential projects that create new dwelling units or joint living and work quarters, to dedicate land or to pay a fee for the purpose of developing park and recreational facilities citywide. Currently, the fee for each Non-Exempt Dwelling Unit for Residential Subdivision Projects is \$16,642 and Non-Subdivision Residential Projects is \$8,157. This fund can only be used to acquire new parkland or fund capital improvements at existing park facilities, which will serve residents of the residential development that dedicated the land or paid the fees ensuring that funds are prioritized for the procurement of new open space. On an annual basis, RAP provides the Park Fee Annual Report that details income with interest, expenditures, status of the trust fund account, and interfund transfers with a listing of each facility, project, scope of work and all associated in-lieu park fee funding and expenditures.

Determination on how Park Fee funds are allocated is based on project location. The funds are distributed for new parks or capital improvements of existing parks within two (for neighborhood park, typically one to five acres in size), five (for community parks, ideally about 15 to 20 acres in size) or ten (for regional parks, typically 50+ acres in size and include sports parks) mile

radius of development projects that contribute towards the fee so the fee will contribute to improving park resources in proximity to where development occurs.

The Downtown Community Plan reasonably anticipated development growth projections for housing units until the year 2040 is 133,000, comprising an additional 100,000 units above what exists today. Calculating with the more conservative fee of Non-Subdivision Residential Projects of \$8,157, this will amount to approximately \$815,700,000 for park mitigation fees from the Downtown Plan Area over the next 17 years of the life of the Downtown Community Plan for the citywide Park Fee fund¹.

Since the establishment of the Park Fee Ordinance in 2016, Downtown projects have contributed a total of \$16,511,687.39 or approximately 8.7% of the Citywide Park Fee total, as shown in Table 2.

FY	Citywide	Downtown Plan Area
21-22	\$52,256,746.82	\$4,312,501.25
20-21	\$40,261,829.05	\$6,252,672.95
19-20	\$27,157,501.80	\$11,726.80
18-19	\$24,167,194.41	\$3,115,224.80
17-18	\$27,449,727.89	\$138,847.59
16-17	\$16,655,825.54	\$2,680,714.00
<i>Total:</i>	<i>\$187,948,825.51</i>	<i>\$16,511,687.39</i>
<i>*Excludes Interest Earnings, Intrafund Transfers, and Refunds</i>		

Total open space expenditures from Park Fees from 2016-2022 within the Downtown Plan Area is \$8,189,032.72, or approximately 9% of the Citywide Park Fee total of \$89,980,498.00, as shown in Table 3.

¹ 100% Affordable Housing units are exempt and this calculation assumes market rate and mixed income projects.

FY	Citywide	Downtown Plan Area
21-22	\$18,632,204.81	\$997,965.49
20-21	\$21,348,274.80	\$1,048,793.47
19-20	\$16,016,385.41	\$1,035,934.06
18-19	\$14,115,957.97	\$2,473,343.97
17-18	\$11,483,660.68	\$1,511,703.59
16-17	\$8,384,014.33	\$1,121,292.14
<i>Total:</i>	<i>\$89,980,498.00</i>	<i>\$8,189,032.72</i>

Pershing Square and the 1st and Broadway Civic Center Park (a proposed park that was suspended in March 2023) are two Downtown open space examples that received funding from Park Fee funds. The Park Fee Annual Report identified Pershing Square as an active project that is committed with the total identified funding of \$11,051,951.74, as of June 30, 2022. Total expenditures from Park Fees for Pershing Square from fiscal year 2016 to 2022 is \$3,662,093.46, as shown in Table 4.

FY	Project Name	Scope	Quimby Expenses
21-22	Pershing Capital Phase 1A (active project)	Renovations and improvements to the garage will be made to support activities in the Park	\$883,931.09
20-21	Pershing Capital Phase 1 & 2		\$891,578.34
19-20	Pershing Capital Phase 1 & 2		\$713,767.77
18-19	Pershing Square Renew		\$264,613.75
17-18	Pershing Square Renew		\$900,021.19
16-17	Pershing Square	Installation of new chess tables and landscaping	\$8,181.32
<i>Total:</i>			<i>\$3,662,093.46</i>

Another example of a Park Fee expenditure within Downtown is the improvement costs of the 1st and Broadway Civic Center Park. The Park Fee Annual Report identified 1st and Broadway Civic Center Park with the total identified funding of \$19,840,414.31 as of June 30, 2022. Total expenditures from Park Fees for Broadway Park from fiscal year 2016 to 2022 is \$2,773,697.55,

as shown in Table 5. This park project has been suspended according to the Board of Recreation and Park Commissioners Report 23-060.

Table 5. Broadway Park Fee Expenditures for FY 2016-2022		
FY	Scope	Park Fee Expenses
21-22	n/a	n/a
20-21	Development of a new park with landscaping, seating, water feature, and a restaurant.	\$106,542.91
19-20		\$289,586.29
18-19		\$1,715,151.60
17-18		\$563,416.75
16-17	Acquisition of 1st and Broadway site from the State of California. Demolition of existing building foundations and underground parking, and regrading of the entire site.	\$99,000.00
<i>Total</i>		<i>\$2,773,697.55</i>

TFAR Funds

The Transfer of Floor Area Rights (TFAR) Public Benefits Trust Fund, has also provided funding to Pershing Square Renew. The funding amounts to \$3,797,338 in addition to \$6,828,091.63 in direct project provision payments and \$250,000.00 to Los Angeles Neighborhood Initiative’s (LANI) Pershing Square Task Force. TFAR funds are deposited into the Public Benefit Payment Trust Funds and are disbursed in accordance with Section 5.416 of the Los Angeles Administrative Code. While new TFAR development projects will not occur under the Downtown Plan, current TFAR cases will continue to contribute funding potential for Downtown open space needs over the next few years.

The City’s General Plan Open Space Element

While the Downtown Plan has intended to foster new open space at the development-project level, the topic of open space is primarily addressed within the City’s state-mandated General Plan Open Space Element. Goals, objectives, and policies for the provision, management, and conservation of the City’s open space resources are included within the Open Space Element; they are intended to guide the Citywide/regional public and private open space system to serve and be accessible to the City’s population and not be threatened by encroachment from other land uses.

The Open Space Element also acknowledges the inadequate distribution of parks in certain neighborhoods and emphasizes the importance of ensuring fair access to open spaces for all communities and individuals with different accessibility needs. Going forward, the Open Space Element will continue to explore policies to enhance local parks and open spaces within the

General Plan, seek innovative approaches to establish and develop parks, and promote equal access to high-quality parks for everyone, while simultaneously safeguarding and improving the natural environment.

Item 5.d. Recommendation

No action with respect to Item 5.d is recommended. The long-standing Park Fee, as well as the newly established Community Benefits Trust Fund, Privately Owned Publicly Accessible Open Space Incentive. The establishment of an additional in-lieu fee for development projects would diminish the direct provision of open space or other community benefits such as affordable housing Downtown.

Item 6. Recommended Additional Technical Amendment

During discussions with RAP staff in the preparation of this report, it became apparent that clarification is needed in the new Zoning Code as to whether or not public amenity space used to meet the amenity space requirements of Div. 2.3. (Amenity) is eligible for credit toward the privately owned park and recreational facilities standards included in Div. 10.4. (Park Fees & Dedications).

For context, Sec. 12.33 H.2 (e) (2) of the Park Fees and Land Dedication section of the current Zoning Code (Chapter 1 of the LAMC) prohibits common open space and/ or private open space required by the City's Municipal Code, specific plan(s), or any other planning document from being credited against the park fees and land dedication requirements. This provision is in place today to ensure that only high quality and publicly valuable open spaces are allowed to be credited against the park fees and land dedication requirements. However, such a prohibition is not necessary in the new Zoning Code, given its high standards of design for required amenity spaces, including requirements for seating, lighting, amenity features and accessibility. There is also a shortage of high quality public amenity spaces in the City. Therefore, Planning Staff recommends that spaces that meet the standards of Sec. 2C.3.3.C.3. (Public Amenity Space) be eligible for credit toward the park fee and land dedication requirements of the new Zoning Code. Should the City Council wish to allow public amenity spaces to be eligible for consideration by the Department of Recreation and Parks for credit toward the requirements of Div. 10.4. (Park Fees & Dedications) of the new Zoning Code, the following edits would be required:

- a. Modify Sec. 10.4.8.B.5 to state, "Credits shall not be given for any lot amenity space or residential amenity space required to be maintained by this Zoning Code (Chapter 1A), Specific Plan, or any other planning document, with the exception of public amenity spaces provided in accordance with Sec. 2C.3.3.C.3 (Public Amenity Space).
- b. Modify Sec. 2C.3.1.C.6. to state, "Lot amenity space provided in accordance with Sec. 2C.3.3.C.3. (Public Amenity Space) may be eligible for credit toward the fee

and dedication requirements in Div. 10.4. (Park Fees and Dedications), according to Sec. 10.4.8.B. (Privately Owned Park and Recreational Facilities). ”

- c. Modify Sec. 2C.3.2.C.7. to state, “Residential amenity space provided in accordance with Sec. 2C.3.3.C.3. (Public Amenity Space) may be eligible for credit towards the fee and dedication requirements in Div. 10.4. (Park Fees and Dedications), according to Sec. 10.4.8.B. (Privately Owned Park and Recreational Facilities). ”

Sincerely,

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VPB:SB:cw:ba:vs