

## **Appendix R**

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Bracketed Public Comments Received for the Draft EIR

**DEPARTMENT OF TRANSPORTATION**  
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*Making Conservation  
a California Way of Life.*

December 1, 2020

Brittany Arceneaux, City Planner  
City of Los Angeles  
200 N. Spring Street, Room 667  
Los Angeles, California 90012

RE: Downtown Community Plan Update - Draft  
Environmental Impact Report (DEIR)  
SCH# 2017021024  
GTS# 07-LA-2017-03335  
Vic. LA Multiple

Dear Brittany Arceneaux,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project proposes updates to the Central City and Central City North Community Plans, adoption of the New Zoning Code, and the adoption of necessary revisions and any other amendments necessary to implement the above, including amendments to other General Plan elements (such as, Mobility and Framework), the Los Angeles Municipal Code, specific plans, and other ordinances to implement those updates.

The nearest State facilities to the proposed project are US 101, Interstate 110 and Interstate 10. After reviewing the DEIR, Caltrans has the following comments:

The size and scope of the proposed Community Plans provides a unique opportunity for the various communities in Downtown Los Angeles to identify their needs and provide feedback for the type of public realm they want when making their daily trips. Caltrans requests that the Central City and Central City North Community Plans clearly identify all locations where improvements can be made for people walking, biking, rolling or taking transit along, across, or adjacent to State facilities within the Plan area. Please be specific on the locations within Caltrans right-of-way where improvements are desired and what type of infrastructure is preferred. Some examples include protected Class IV bikeways, wider sidewalks, curb extensions, pedestrian refuge islands, landscaping, street furniture, reduced crossing distances, roadway narrowing, pedestrian and bicycle signage, flashing beacons, and refreshed or new crosswalks. Plans that incorporate public engagement, like the one proposed, are used to identify and develop future State transportation projects.

1



Future car volumes and speeds at individual off-ramps in and near the Downtown Plan Area cannot be predicted with any degree of certainty at this time because it is not known how conditions may change over time and what the City and Caltrans may implement to address any accessibility or safety issues that may arise. Therefore, any detailed analysis of potential future impacts related to off ramps would be speculative. Nevertheless, Safety is paramount for the City of Los Angeles and Caltrans. The growth in housing, business, and population, as projected in the DEIR, will require diligence in order to meet Statewide VMT reduction targets and LA's Vision Zero goals. This is why Caltrans is requesting a location-specific list of barriers, and the preferred infrastructure solutions to those barriers, be included in the Community Plans, so that people walking, riding bikes, or using transit within State Right-of-Way can be safely accommodated. This can help Caltrans and LA City identify the appropriate infrastructure when developing projects within the Plan area.

2

Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way. Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note that the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure and that the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

3

Considering that a new Zoning Code is being adopted alongside the Community Plans, Caltrans also recommends significantly reducing or eliminating car parking requirements. Research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. For any community or city to better support all modes of transportation and reduce vehicle miles traveled, we recommend the implementation of a TDM ordinance, as discussed on page 3-49, as an alternative to requiring car parking.

4

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-LA-2017-03335.

Sincerely,



MIYA EDMONSON

IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** August 27, 2020

**TO:** Vincent P. Bertoni, Director of Planning  
Department of City Planning

**Attn:** Brittany Arceneaux, City Planner  
Department of City Planning

**FROM:** Ali Poosti, Division Manager  
Wastewater Engineering Services Division  
LA Sanitation and Environment



**SUBJECT: DOWNTOWN COMMUNITY PLAN UPDATE - NOTICE OF  
AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT**

This is in response to your Notice of Availability of Draft Environmental Impact Report on Downtown Community Plan Update/New Zoning Code for Downtown Community Plan. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification on August 6, 2020. At this stage, your project description lacks sufficient detail for us to conduct a thorough capacity analysis as descriptions for individual proposed developments are needed to assess sewage generation. Please notify our office in the instance additional information for environmental review is available for this project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at [chris.demonbrun@lacity.org](mailto:chris.demonbrun@lacity.org).

CD/AP: al

c: Shahram Kharaghani, LASAN  
Michael Scaduto, LASAN  
Wing Tam, LASAN  
Christopher DeMonbrun, LASAN



**United Neighborhoods for Los Angeles**

**[www.un4la.com](http://www.un4la.com)**

**UN4LA Board**

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***Gina Thornburg***

***Grace Yoo***

December 4, 2020

Brittany Arceneaux, City Planner  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
[brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

Re: DEIR Comments  
Downtown Community Plan Update/New Zoning Code  
Case No.: ENV-2017-433-EIR

Dear Ms. Arceneaux,

United Neighborhoods for Los Angeles (UN4LA) is a community group formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. UN4LA's primary areas of focus are planning, development, budget/finance, environment/open space, and ethics.

We have reviewed the DEIR for the Downtown Community Plan Update and the New Zoning Code and we have a number of significant concerns. We would like to submit the following comments, which include a number of questions regarding the information presented in the DEIR, and in some cases the DEIR's lack of information. We look forward to the release of the FEIR in the hope that the City's responses will answer some of these questions.

*Downtown Plan Update/New Zoning Code, ENV-2017-433-EIR, UN4LA Comments*

Please add UN4LA to the distribution list for further communications regarding the Downtown Community Plan and the New Zoning Code. Our physical address is:

*United Neighborhoods for Los Angeles  
2141 Cahuenga Blvd., Apt. 17, Los Angeles, CA 90068*

E-mail address and phone number are below.

Sincerely,  
Casey Maddren, President  
United Neighborhoods for Los Angeles

[REDACTED]  
[REDACTED]

1, cont.

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## **DOWNTOWN COMMUNITY PLAN UPDATE & NEW ZONING CODE DEIR**

### **COMMENTS**

#### **GENERAL**

#### **Combined Environmental Review of Downtown Community Plan and New Zoning Code**

We object to the City's decision to combine environmental review of the Downtown Community Plan Update and the New Zoning Code. These are two separate processes, and should have been pursued separately. The City says that the NZC will only be applied to the DCPU at this point, and will only be applied to other community plans as they are updated, but the City apparently plans to apply one part of the NZC, the proposed Processes & Procedures Ordinance, on a citywide basis.

The adoption of the New Zoning Code should be a stand-alone project, with communication and outreach designed to reach out to the entire city. It should not be combined with a community plan update for one area. The current approach, where one chapter of the NZC will be applied citywide, while the remaining chapters will be applied as community plans are updated, is unnecessarily complicated and confusing. We believe it has likely prevented informed public engagement, and works to thwart real transparency.

#### **Notice of Preparation (NOP)**

##### **NOP/NZC Modules**

We are concerned about what appears to be a significant discrepancy in the way the New Zoning Code (NZC) is presented in the NOP and the way it's presented in the EIR. The NOP outlines the following modules:

- Context
- Form District

- Frontage
- Use District

But the EIR Project Description offers a different set of modules:

- Form
- Frontage
- Development Standards
- Use
- Density districts

The removal of Context and the addition of Development Standards and Density Districts seems to be a significant change in the proposed framework. We believe that if the NOP had included the current list of modules, it could well have elicited very different responses from the public during the scoping process, and therefore changed the scope of the EIR. We believe this change between the release of the NOP and the release of the DEIR has prevented the public from fully engaging in the scoping process and may be a violation of CEQA.

#### NOP/New Zoning Code

The NOP says:

*Some elements of the New Zoning Ordinance that will be applicable citywide will need to be adopted to use the New Zoning Ordinance anywhere. These elements include definitions, administrative rules, and development standards. These elements will be adopted before or simultaneously with the first ordinance to implement the New Zoning Ordinance zone classifications.*

3, cont.

This appears to refer to the proposed Processes & Procedures Ordinance, but we find the lack of clarity disturbing. We are also bothered by the City's decision to combine environmental review and approval of the Downtown Plan with the New Zoning Code, while withholding the text of the Processes & Procedures Ordinance through most of the process. This piecemeal approach has certainly been confusing for us, and we believe has probably also caused confusion for the general public. We have to wonder if the DCP's process complies with the information disclosure requirements of CEQA.

#### NOP/Project Description

The NOP Project Description says:

*The proposed Project includes the updates to the Downtown Plans, adoption of the Downtown Zoning Code, and the adoption of necessary revisions and any other amendments necessary to implement the above, including amendments to other General Plan elements (such as, Mobility and Framework), the LAMC, specific plans, and other ordinances to implement those updates.*

Here the NOP states that there will be revisions to the General Plan, including the Framework Element and the Mobility Plan, but offers no information as to what those revisions will be. This is completely unacceptable. If the City is proposing revisions to the General Plan as part of this process, those revisions need to be explained up front

and in detail. This not only violates the information disclosure provisions of CEQA but flies in the face of generally accepted principles of transparency and accountability.

3, cont.

### **Downtown Community Plan Implementation Overlay (CPIO)**

#### **Why Was the CPIO Published Only as an Appendix to the DEIR?**

We are concerned that the Downtown CPIO does not seem to have been published as a separate document, and only appears in the appendices to the DEIR. We are also concerned that the DEIR does not seem to refer to the CPIO or make any effort to assess its impacts. We believe the segregation of the CPIO in the appendices, the failure to publish and disseminate information about the CPIO, and the failure to assess its impacts, constitute a violation of CEQA's information disclosure requirements.

4

#### **CPIO/Director's Administrative Clearance**

We are extremely concerned about the following language from page 7 of the CPIO:

*a. Director Approval. The Director shall grant an Administrative Clearance after reviewing the Project and finding that it is in compliance with all applicable provisions of the Downtown CPIO District as indicated by a plan stamped by the Department of City Planning.*

5

*b. Non-Appealable Ministerial Approval. The approval of an Administrative Clearance is not subject to appeal and is not discretionary for purposes of CEQA Guidelines Sections 15060(c)(1) and 15268.*

We strongly object to the attempt to remove the public from the approval process through a so-called Administrative Clearance, and we question the legality of declaring that such Administrative Clearances are not discretionary and not appealable.

#### **CPIO/Environmental Standards Procedures**

On page 10 of the CPIO we find a section entitled I –VIII. Section I-8. ENVIRONMENTAL STANDARDS PROCEDURES which contains the following language:

*Any Discretionary Project within the CPIO Boundaries shall comply with all applicable Environmental Standards as set forth in Appendix A, subject to the following rules.*

6

Bewilderingly, when we took a looked at Appendix A, we found that it does not contain any environmental standards. It ends with the following text:

*[MITIGATION MEASURES / ADDITIONAL ENVIRONMENTAL STANDARDS FORTHCOMING]*

### **Draft Environmental Impact Report**

#### **Project Description/Population**

7

In the chapter entitled Project Description, Table 3-3 shows that the Existing Population (2017) for the plan area is 76,000 and that SCAG's 2040 Project Population is 189,000. The source cited is the 2016-2040 SCAG RTP/SCS. However, we have searched the SCAG RTP/SCS and have been unable to find any population figures for the Downtown Plan Area. In fact, the only population figures we found in the RTP/SCS were for counties within the SCAG region. We ask that the authors please indicate where these figures cited in Table 3-3 can be found in the RTP/SCS.

7, cont.

We also note that Table 3-4 again refers to the RTP/SCS as the source for its population and employment figures. Again, we must ask the authors to indicate where these figures can be found in the RTP/SCS.

### Greenhouse Gas Emissions

On pages 4.7-29,30, the EIR states:

*As illustrated in Table 4.7-4, per capita GHG emissions are estimated at 29.9 MT CO<sub>2</sub>e in 2017 and 11.3 MT CO<sub>2</sub>e in 2040 with implementation of the Downtown Plan. This change represents a 62 percent drop in per capita emissions, which can be attributed to a combination of state-mandated GHG emission reduction strategies and the fact that implementation of the Downtown Plan would lower per capita VMT due to the location of jobs and housing in close proximity to each other and creation of substantial opportunities to use such transportation modes as transit, bicycling, and walking. By guiding development near transit corridors and encouraging creative mixed land uses, the Downtown Plan creates an efficient strategy for reasonably foreseeable development in the region, consistent with AB 32, SB 32 and the 2016-2040 RTP/SCS.*

8

The claimed 62% reduction in per capita emissions due to the implementation of the Downtown Plan is frankly absurd. We ask that the City present the calculations that were used to arrive at this conclusion. While the State will undoubtedly continue to press for GHG emission reductions, the results so far have been mixed. GHG emissions from power generation have fallen substantially, but emissions related to transportation remain stubbornly high. The City of LA has failed miserably to produce results with its efforts at Transit-Oriented Development (TOD). Ridership on Metro lines has fallen from 430,212,003 in 1988 to 390,933,379 in 2018, in spite of the fact that LA County (the area served by Metro) added over a million people during that period. (Source: PRA Request to Metro) LADOT's DASH system has also seen steep declines, as shown in the figures below:

|      |                                  |
|------|----------------------------------|
| 2013 | 26,619,776 Annual Unlinked Trips |
| 2014 | 25,584,956 Annual Unlinked Trips |
| 2015 | 23,895,017 Annual Unlinked Trips |
| 2016 | 21,536,305 Annual Unlinked Trips |
| 2017 | 19,734,177 Annual Unlinked Trips |
| 2018 | 18,394,160 Annual Unlinked Trips |

9

(Source: Federal Transit Administration Transit Agency Profiles for LADOT)

The loss of 8,225,616 Annual Unlinked Trips from 2013 to 2018 represents a 30% decline. This shows that DASH ridership has declined steadily even as the City added thousands of new units near transit stops and transit corridors.

In addition, while the EIR also claims that the Downtown Plan will achieve reductions in VMT through an increase in active transportation, the City offers absolutely no data to support this claim. The Mobility Plan does direct City agencies to collect data on biking and walking and to present annual reports, but it does not appear that the City has ever actually followed through on this. We have never been able to obtain any reports from the City documenting the extent of active transportation.

9, cont.

On page 4.7-45, under New Zoning Code Impact, the EIR says:

*Adoption of the New Zoning Code would not directly or indirectly generate an increase in GHG emissions. The New Zoning Code would provide options for a variety of density districts with many different levels of density, ranging from a district with no maximum density to a district which restricts density to one unit. Due to the modular structure of the New Zoning Code, it is not known where or to what extent future development may occur. Projecting the location and type of future growth would be speculative at this time.*

It is the stated goal of the City of LA to increase density in the Downtown Plan Area, and the New Zoning Code is clearly structured to promote greater density. Almost every Form District included in the New Zoning Code offers generous density bonuses with regard to FAR and height. While it may not be possible to assess future GHG emissions with absolute accuracy, it is not acceptable for the EIR to simply avoid making any projections of impacts resulting from the application of the New Zoning Code in the Downtown Area. The authors clearly feel confident projecting future growth with regard to population and jobs, and they predict strong growth in the Downtown Area. The New Zoning Code is intended to support that growth. Therefore, even if the City can't project future GHG emissions with absolute accuracy, it is crucial for the public's understanding of possible impacts for the EIR to estimate future GHG emissions based on growth in population and employment, in conjunction with realistic assumptions about transit use and emission reduction policies.

10

### Hydrology

The following text appears on page 4.9-1 of the EIR:

#### **ENVIRONMENTAL SETTING**

*Los Angeles has a mild climate with an annual average temperature of 63.8 degrees Fahrenheit with an average high temperature of approximately 71.7 degrees Fahrenheit and an average low temperature of approximately 55.9 degrees Fahrenheit. Average annual precipitation of the region averages approximately 18.67 inches. Precipitation occurs during the months of October through April, averaging approximately 2.6 inches per month (US Climate Data 2017).*

11



We must ask the authors to present their source for this data. The citation “US Climate Data 2017” does not refer to any specific agency, and the data presented appears to be false. It conflicts with a number of other sources we have consulted:

- *According to the LA Almanac, which presents data obtained from the National Weather Service, average precipitation for the Downtown Area from 1877 through 2020 is calculated as 14.73 inches annually.*
- *Page ES-7 of LA’s 2015 Urban Water Management Plan (UWMP) states that the LA area’s average annual precipitation is 14.25 inches. It also states that the average maximum temperature is 75 degrees.*
- *The report “An Overview of Los Angeles Climate” by meteorologist Todd Morris of the National Weather Service [https://www.wrh.noaa.gov/lox/archive/LAClimate\_text.pdf] states that “Average annual precipitation for the Los Angeles area is highly variable and terrain-dependent, ranging from twelve inches at the ocean to about twice that in the foothills. At downtown Los Angeles, the average seasonal rainfall is 14.77 inches. The annual average high temperature for the city is 75• °F, while the average low is 57• °F.”*

11, cont.

We find it disturbing that the EIR significantly overstates average annual precipitation, while also understating average maximum temperatures. These misstatements of the facts are misleading and we fear they are deliberate attempts to avoid discussions of two unavoidable problems: 1) All of the water resources that the City of LA relies on are declining; and 2) LA is already warming, and further development will increase this trend.

We will leave the discussion of whether LA has adequate water resources to support projected growth to the chapter on Utilities. It is important, though, to briefly discuss the hydrology of the Downtown Area. Almost the entire Downtown Plan Area is covered with impervious surfaces. Neither the Downtown Plan Update nor the New Zoning Code will change that. Vague promises of increased parks/open space and more trees are meaningless since the proposed Downtown Plan requires very little in this respect and there is no existing plan that will make a meaningful difference. The Downtown Plan will continue the trend toward high-density development, and the New Zoning Code, which in most cases allows for zero setbacks, promises to maintain the status quo in terms of impervious surfaces. For these reasons, we should expect a reduction in the current negligible level of groundwater recharge in the Downtown Area, and average maximum temperatures will continue to rise.

#### Public Services/Police

Page 4.13-17 of the EIR presents the following excerpt from the California Constitution:

California Constitution, Article XIII, Section 35  
Section 35 of Article III of the California Constitution at subdivision (a)(2)  
provides: “The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.”

12

Table 4.13-7, Relevant General Plan Police Protection Goals, Objectives and Policies, includes the following goals/objectives:

*Every neighborhood in the City has the necessary police services, facilities, equipment, and manpower required to provide for the public safety needs of that neighborhood.*

*Monitor and forecast demand for existing and projected police service and facilities.*

12, cont.

In January 2016 the LA Downtown News published the following article, which discusses soaring crime rates in the Downtown Area:

*Violent, Property Crime Soar in Downtown L.A.*  
*By Eddie Kim Jan 11, 2016 Updated Jan 11, 2016*  
[http://www.ladowntownnews.com/news/violent-property-crime-soar-in-downtown-l-a/article\\_35f3f508-b663-11e5-a5e0-97795ff5ab58.html](http://www.ladowntownnews.com/news/violent-property-crime-soar-in-downtown-l-a/article_35f3f508-b663-11e5-a5e0-97795ff5ab58.html)

The following article, published in November of this year by CBS LA, discusses budget cuts and the reduction of LAPD staff and services:

*LAPD To Move More Officers To Patrol, Downsize Air Support, Robbery/Homicide Divisions*  
*By CBSLA Staff November 7, 2020 at 12:12 pm*  
<https://losangeles.cbslocal.com/2020/11/07/lapd-to-move-more-officers-to-patrol-downsize-air-support-robbery-homicide-divisions/>

Obviously, given the current debate surrounding law enforcement, providing “adequate public safety services” has become more complex and difficult. A large segment of the public is demanding that funds currently directed toward existing law enforcement agencies be redirected to other services. The LAPD has faced increasing pressure to re-examine the actions of its officers and to rethink its policies.

In this context, providing services to ensure the safety of Downtown residents has certainly become more challenging. A full discussion of this topic is beyond the scope of this EIR. However, it is important to note some important facts about the current crime rate in the Downtown Area....

The EIR offers 2016 COMPSTAT crime statistics for the three divisions that are included in the Downtown Plan Area. The Central Division serves the majority of the Downtown Plan Area, while portions of Northeast and Newton Divisions also fall within the Plan Area. We appreciate that the EIR offers an accurate account of crime stats, but we feel it’s important to also look at per capita crime rates in order to understand the reality of the situation. Based on COMPSTAT and population data for 2016, we offer the following comparison of per capita crime rates in the Downtown Area.

***Citywide Per Capita Crime Rate: 0.031***

***Central Per Capita Crime Rate: 0.151***

***Northeast Per Capita Crime Rate: 0.024***

*Newton Per Capita Crime Rate: 0.042*

While the per capita crime rate in Newton is well above the citywide rate, and the per capita crime rate in Northeast is well below, we feel it's important to emphasize that the per capita crime rate within the Central Division is almost five times higher than the citywide rate.

UN4LA is glad to see signs of revitalization in the Downtown Area, and we are also pleased to see significant growth in the residential population as people come to appreciate the many benefits that Downtown has to offer. At the same time, we feel that the alarming spike in the per capita crime rate shows that the City has failed to adequately plan for Downtown's growth. We are concerned that the adoption of the Downtown Community Plan and the New Zoning Code promise will accelerate growth in the area, without addressing significant public safety concerns.

While the threshold of significance for impacts under Public Services/Police only recognize impacts related to the construction of new facilities and infrastructure, under Mandatory Findings of Significance CEQA requires the lead agency to assess whether....

*(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.*

It is clear looking at the per capita crime rate for Central Division that Downtown residents are already dealing with unacceptable levels of crime that threaten their safety. The Downtown Community Plan Update projects significant further growth which will make the challenge of protecting public safety even more daunting. The New Zoning Code, which offers significant incentives for development in the form of density bonuses, certainly has the potential to increase the Downtown population. But given the extremely high per capita crime rate in Central Division, it is clear that the City is unable to adequately protect the safety of Downtown residents, including those who belong to the area's large unhoused population.

Because the proposed Downtown Community Plan project significant population growth, and the New Zoning Code incentivizes increased residential density, it is certainly likely that an increasing crime rate could cause "substantial adverse effects on human beings". There is no assessment of these impacts in the EIR.

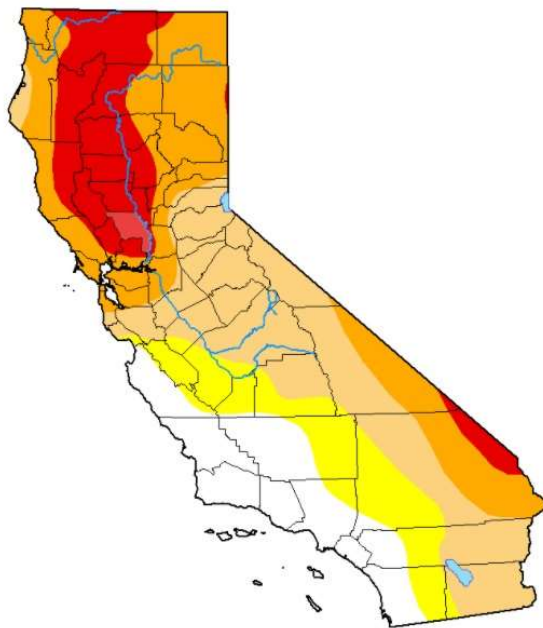
Preparing the EIR three years ago, the authors could not anticipate the swift groundswell of support for a re-evaluation of law enforcement services. But because of the current uncertainty about funding for law enforcement services and the current efforts to restructure the LAPD, UN4LA believes the best course of action is to withdraw the Public Services/Police section of the EIR at this time. The section needs to be rewritten to: 1) acknowledge the extremely high crime rates in Central Division; 2) also to acknowledge the current law enforcement challenges in this area; 3) assess potential adverse impacts to area residents as a result of adoption of the Downtown Community Plan and the New Zoning Code; and 4) propose reasonable mitigation measures to reduce impacts to public safety. The Public Services/Police section can then be recirculated, once it has been revised to accurately reflect the current context.

12

## Utilities/Water Supply

As stated above in our discussion of the Hydrology section, all of the water resources LA relies on are declining. While the EIR projects increases in deliveries due to the completion of the Owens Lake Master Project, we find this projection overly optimistic. It does not fully take into account the increasing effects of climate change in the Owens Valley and throughout the region.

In order to discuss likely future deliveries of water to LA from the State Water Project and the Colorado River, we would like to present the following maps that show current drought conditions in California and in the Western US.

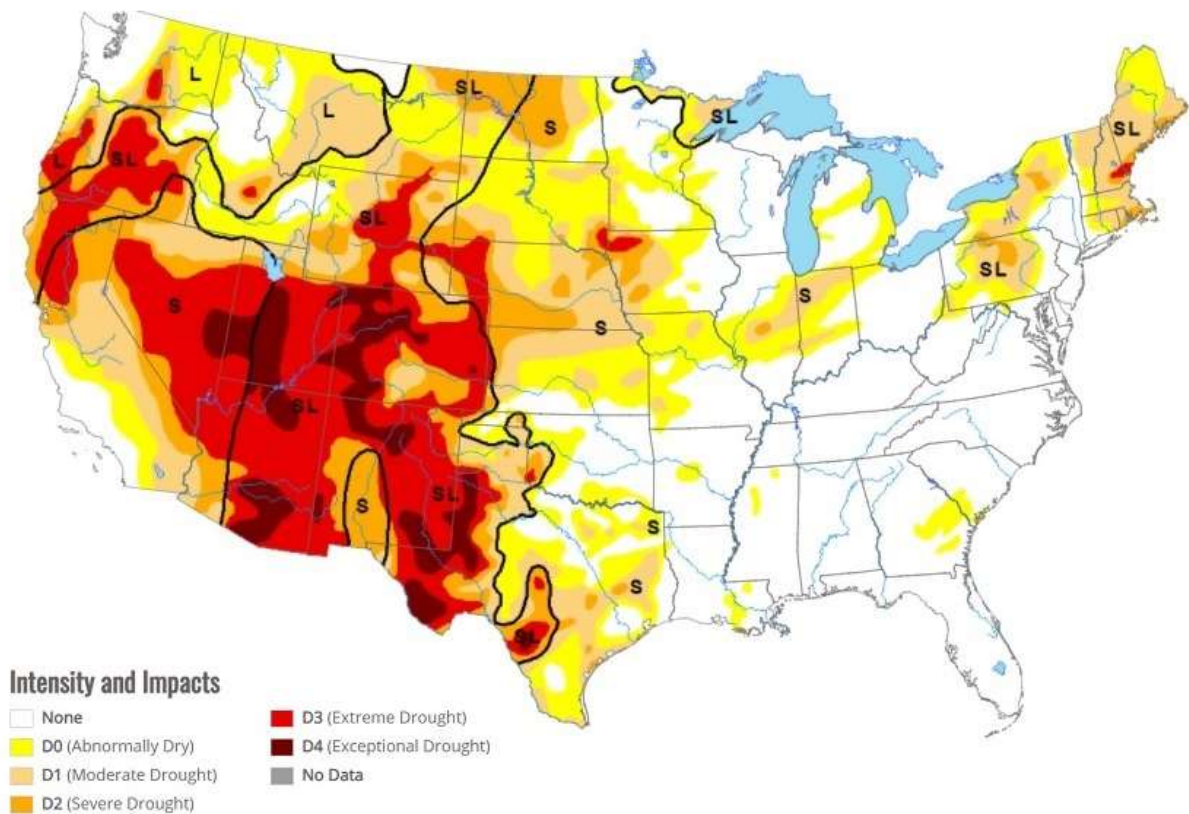


**Map released: Thurs. November 12, 2020**

Data valid: November 10, 2020 at 7 a.m. EST

**Intensity:**

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data



Source: United States Drought Monitor, <https://droughtmonitor.unl.edu/>

13, cont.

Looking at this map, it should be clear that we're in trouble. In recent years, California snowpacks have seen marked decline, and climatologists predict that the decline will continue with the increased effects of climate change. It is highly likely that the State Water Project will continue to reduce its deliveries to the Metropolitan Water District. The proposed Delta Tunnel faces significant opposition from environmental groups, and the possibility of increasingly dry conditions in the Delta region raise the question of whether the North can realistically divert more of its water resources to the South. As for deliveries from the Colorado River, we refer to this quote from an interview with Jeffrey Kightlinger, General Manager of the Metropolitan Water District, published in the June, 2019 issue of the Planning Report:

*The drought contingency plan is, in many respects, just a tourniquet; we're basically bleeding out on the Colorado River.*

TPR Interview with Jeffrey Kightlinger

<https://www.planningreport.com/2019/06/13/mwd-achieves-consensus-colorado-river-drought-contingency-plan#:~:text=Jeffrey%20Kightlinger%3A%20The%20Colorado%20River,it%20woke%20up%20the%20state.&text=In%202007%2C%20with%20California%20claiming,Arizona%20absorbed%20all%20the%20shortages.>

As the EIR reports, contamination has impacted significant portions of LA's groundwater resources. While work to remediate the contamination is ongoing, at this point the degree of success is difficult to predict.

The two options LA must increasingly take advantage of are, 1) reducing water consumption; and 2) recycling. While the EIR discusses LA's efforts in these areas, we believe the projections regarding future water resources are extremely dubious. It's true that Angelenos have made significant progress in reducing their water consumption, and we hope that progress will continue to be made in this area. But the more reductions we make in water consumption, the more difficult it is to make further reductions. The EIR's projections in this respect are not supported by substantial evidence. As for recycling, significant progress has been made in this area, and we hope that progress will continue. But again, the EIR's projections in this area are not supported by substantial evidence.

Page 4.17-16 of the EIR states:

*The 2015 UWMP projects that LADWP's reliance on the MWD water supplies will be reduced significantly, from the five-year average of 57 percent of total demand to 11 percent under average weather conditions by 2040 (LADWP 2016a).*

This projection is based on data from more than five years ago, and we do not believe it is realistic based on the changes in California's climate since then. When the 2015 UWMP was written, the expectation was that the severe drought the region was experiencing at that time would end and that LA's hydrology would return to something like the historical norm. There is growing evidence that this is not the case, and that climate change has brought about a permanent change in the region's hydrology. Please see the following article from the LA Times:

*Is California headed back into drought, or did we never really leave one?*  
By PAUL DUGINSKI, LA Times, FEB. 15, 2020 6:18 PM  
<https://www.latimes.com/california/story/2020-02-15/is-california-headed-back-into-drought-or-did-we-never-really-leave-one>

While it is impossible to predict with certainty how LA's hydrology will evolve over time, there is increasing evidence that the area will continue to grow drier and warmer. While many climatologists believe that average precipitation will remain about the same, because much of LA is covered with impervious surfaces, the rain that falls on the City will continue to be flushed out to the ocean. And even if snowfall remains more or less consistent, the Sierra Nevada and Rocky Mountain snowpacks are melting more quickly and we are losing more water to evaporation.

Also, at this point we'd like to refer to our comments above on the Hydrology section, which show that the figure given for average annual precipitation in the area is significantly higher than the figures calculated by the National Weather Service and the LADWP. The EIR also appears to err on the low side in the figure it offers for average maximum temperature. These errors cast doubt on the authors' ability to accurately assess the impacts of the Downtown Plan and the New Zoning Code with regard to water resources.

Under Project Impacts, the EIR asks if the Downtown Area will....

*Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Threshold 4.17-5)*

Given the fact that the data from the 2015 UWMP is five years old and does not reflect current conditions, and that the EIR overstates average precipitation while also understating average maximum temperatures, we believe the EIR does not adequately assess whether the Downtown Area will have sufficient water supplies if the Downtown Plan and the New Zoning Code are adopted. As previously stated, the adoption of both are likely to result in significant increases in Downtown's residential population. With all of LA's water resources declining, and the lack of certainty about future success of conservation and recycling efforts, it seems unlikely that the City will be able to supply adequate water to support projected growth.

13, cont.

#### Utilities/Solid Waste

On page 4.17-29 the EIR states:

*As of 2012, the City achieved a diversion rate of 76.4 percent (LADPW 2013b). As discussed further under Regulatory Framework, per the Solid Waste Integrated Resources Plan (SWIRP), landfill solid waste disposal for the City of Los Angeles totaled 2,849,237 annual tons in 2010. Assuming no additional programs are implemented to reduce waste and that the City maintains its 2010 baseline diversion rate (72 percent), citywide disposal is projected to increase by 10 percent to 3,121,937 annual tons by 2030 (LADPW 2013a).*

In fact, the City is nowhere near the claimed 76.4% rate of diversion to recycling. Most of the Downtown Area will be served by RecycLA, the citywide program which serves all commercial and large multi-family residential structures. Since 2012, significant changes have occurred with regard to solid waste production and disposal. Up until 2018, the City had been shipping most of its recyclable materials to China, but China has largely closed its doors to imported waste. Because of China's refusal to take our recyclables, at the beginning of 2019 the City revised its contracts for the RecycLA program and revised its diversion target for 2023 down to 35%. This should make it clear that the City is currently NOT diverting 50% of solid waste collected and will be struggling to reach that goal over the next decade, and therefore the City is not complying with the requirements of AB 939. The EIR offers no current data on rates of diversion to recycling.

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Adoption of the Downtown Community Plan and the New Zoning Code are likely to bring about significant new growth in the Downtown Area, and therefore a significant increase in solid waste. Because the EIR bases its recycling claims on data from 2012, and because the claimed rate is more than twice the current actual recycling rate, the EIR fails to accurately assess impacts from the production of solid waste. Simply falling back on the claim that there is adequate landfill capacity to absorb additional waste is not enough. The EIR fails to state that the City is well out of compliance with AB 939, which requires California cities to divert 50% of their solid waste to recycling. Also, landfills are a significant source of GHG emissions, and the numbers used in the EIR to calculate emissions from this source are based on the assumption of a much higher recycling rate.

15

The EIR fails to adequately assess the impacts of the Downtown Plan and the New Zoning Code with regard to solid waste.





December 4, 2020

Attn: Brittany Arceneaux, City Planner  
 City of Los Angeles Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, CA 90012-2601  
 Via email to [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

RE: Draft Environmental Impact Report for Downtown Community Plan Update/New Zoning Code for Downtown Community Plan (Case No. *ENV-2017-433-EIR, CPC-2017-432-CPU, CPC-2014-1582-CA*)

Dear Ms. Arceneaux,

On behalf of the Central City United Coalition (CCU) – a coalition led by Downtown neighborhood stakeholders Los Angeles Community Action Network (LA CAN), Little Tokyo Service Center (LTSC), Southeast Asian Community Alliance (SEACA), along with Public Counsel – we submit these comments on the Draft Environmental Impact Report (DEIR) for the Draft Downtown Community Plan Update (hereinafter the “Downtown Community Plan”, “Draft Plan”, or “Plan”).

This comment letter identifies several areas in which the DEIR lacks sufficient, or fails entirely to include, baseline information and required analysis; fails to consider and include feasible mitigation measures which would lessen significant impacts of the Plan; and makes conclusions not supported by substantial evidence in violation of the California Environmental Quality Act<sup>1</sup> (CEQA). To date, CCU has submitted a number of comments, including policy and zoning recommendations, on various iterations of the Draft Plan itself along with CCU’s People’s Plan<sup>2</sup>. These recommendations are incorporated into this comment letter to the extent they lessen the Plan’s environmental impacts.<sup>3</sup>

### **Procedural Comments**

In addition to the substantive CEQA comments below, there are a number of procedural issues with the Draft Plan, DEIR release and public comment process.

<sup>1</sup> Cal. Pub. Res. Code § 21000 *et seq.*

<sup>2</sup> See Appendix A: CCU People’s Plan; also available at <https://www.centralcityunited.org/peoples-plan>.

<sup>3</sup> See Appendix B: December 2019 Central City United Proposed Amendments to July 2019 Draft DTLA Community Plan Policy Text; Appendix C: January 27, 2020 Central City United Proposed Amendments to DTLA Community Plan; Appendix D: October 15, 2020 Central City United Feedback on Community Benefits Fund.



First, the City has not translated a single page of the over 900-page (not including Appendices) DEIR into any non-English language, let alone the full array of languages<sup>4</sup> regularly spoken by residents of Chinatown, Little Tokyo and Skid Row. The Department of City Planning's (DCP) Environmental Impact Reports webpage, including the home page for the Downtown Community Plan Update/New Zoning Code for the Downtown Community Plan, is embedded with the Google translate feature and allows for translation of the text on that page. However, the DEIR itself is only available via download and there are no downloadable .pdf's available in any other language.

It is well-established that public participation is a fundamental component of properly understanding, mitigating and avoiding a project's potential impacts.<sup>5</sup> Furthermore, earlier this year DCP released a message and commitment to equity<sup>6</sup> where it pledged to "intentionally and authentically deepen our efforts to serve all communities of Los Angeles in a manner that promotes equity and inclusivity. We will do this in partnership with the many dedicated stakeholders, community-based organizations, and allies that continue to do their tireless and transformative work on a daily basis. We aim to chart a new course towards inclusive planning for all communities in Los Angeles. This is a huge undertaking that we hope will honor the countless people who have lost their lives unjustly and empower those who have been marginalized by the planning practices of the past." Especially in a city like Los Angeles, acknowledging and addressing the needs of limited English proficiency communities is essential to meaningful participation by affected Downtown residents in Chinatown, Little Tokyo and Skid Row; it is also one of the many ways DCP can and should promote equity and inclusivity, empowering those who have been marginalized by the planning practices of the past. The City must ensure that all planning documents are adequately translated into all languages necessary to ensure equitable access and participation of the Downtown community. At minimum, translation of documents should be in Japanese, Spanish, Korean, simplified and traditional Chinese, and Vietnamese, while meetings and public hearings should include professional interpreters in Japanese, Spanish, Korean, Cantonese, Chiu Chow, and Vietnamese.

2, cont.

Second, the DEIR was released for public review and comment on August 6, 2020. At this time, DCP had released a Draft Downtown Community Plan most recently updated on the same date – August 6, 2020. This Draft Plan is the "proposed project" for CEQA purposes. Therefore, it logically follows that the August 2020 DEIR engages in the required CEQA environmental impact analysis of this version of the Draft Plan. As such, the public – including CCU and the Downtown residents it works with – undertook its review of the DEIR, analysis of the DEIR relative to the August 6 Draft Plan and began drafting its comments on the same. However, three weeks before the December 4, 2020 DEIR public comment period deadline, DCP released a new updated Draft Downtown Community Plan (November 12, 2020). The City's process of releasing updates on the Draft Plan after the DEIR was completed and released for public comment is not only confusing but inappropriate. The DEIR has been rendered obsolete by the release of an updated "proposed project," i.e. Draft Plan, since the August 2020 DEIR did not and could not engage in complete analysis of the impacts of this new November 2020 Draft Plan. Attempting to rush the process along by releasing a DEIR before the Draft Plan is complete is

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<sup>4</sup> Japanese, Korean, Spanish, Mandarin, Cantonese, Toisan, Chiu Chow, and Vietnamese.

<sup>5</sup> 14 CCR § 15201.

<sup>6</sup> See <https://planning.lacity.org/resources/message-city-planning>.

improper, to say the least. CCU, and the rest of the public, had only three weeks to review the November 2020 Draft Plan and attempt to incorporate new DEIR comments relative to this updated version of the Plan for purposes of getting all arguments on the record.

3, cont.

### **Air Quality and Greenhouse Gas Emissions Comments**

#### **I. The DEIR's Air Quality and Greenhouse Gas Emissions Sections Are Inadequate and Must Be Supplemented with Additional Analyses and Mitigation Measures**

##### **A. The DEIR Must Analyze the Emissions Resulting from the Direct and Indirect Impacts of the Plan on Displacement of Low-Income Residents, and Must Provide Mitigation**

The DEIR's failure to analyze emissions resulting from the direct and indirect displacement of low-income residents violates CEQA's mandate to evaluate the physical impacts of a project. If a project has an economic or social effect which in turn causes a physical change, such as an impact on air quality or greenhouse gas (GHG) emissions, that physical change may be a significant environmental impact.<sup>7</sup> Low-income people are the vast majority of riders of public transit, with Chinatown and Little Tokyo in particular having among the highest rates of zero emission commuters in the city,<sup>8</sup> and studies show that when low-income residents are supplanted by wealthier residents in transit oriented development (TOD) areas, vehicle miles driven increase.<sup>9</sup> Thus, displacement of low-income residents in areas near public transit hubs foreseeably leads to degraded air quality and increased GHG emissions, a physical impact of the Draft Plan which must be analyzed and addressed.

4

In addition, the physical change resulting from a project may rise to a significant level if that change has substantial adverse economic or social effects on people.<sup>10</sup> As explained in CEQA Guidelines Section 15131(b), "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect

<sup>7</sup> *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1205 (2004) (finding that construction of shopping centers would lead to the closure of smaller businesses in the area, which could lead to physical urban decay, a significant environmental impact); see also CEQA Guidelines § 15064(e); *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal. App. 3d 123, 132 (1983) (potential for overcrowding in school could lead to construction of new facilities elsewhere).

<sup>8</sup> 2018 American Community Survey.

<sup>9</sup> Stephanie Pollack, Barry Bluestone & Chase Billingham, Dukakis Center for Urban and Regional Policy at Northeastern University, "Maintaining Diversity In America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change" (Oct. 2010), available at [http://www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN\\_Equity\\_final.pdf](http://www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN_Equity_final.pdf); Alliance for Community Transit-Los Angeles, "Transit for All: Achieving Equity in Transit-Oriented Development" (2015), available at <http://www.allianceforcommunitytransit.org/wp-content/uploads/2015/02/ACT-LA-Transit-for-All-Achieving-Equity-in-Transit-Oriented-Development.pdf>.

<sup>10</sup> CEQA Guidelines § 15064(e) ("If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.).

would be significant.” In this case, the social and economic effects stemming from the physical displacement of low-income residents caused by the Draft Plan must be assessed, as residents’ dislocation, and associated negative health outcomes and social disruption, could render the displacement effects significant. Therefore, the DEIR should also assess the health impacts of displacement resulting from the Plan.

By failing to conduct a complete analysis of direct and indirect displacement, the DEIR also impermissibly ignored the potential impacts of displacement on air quality and greenhouse gas emissions. Studies are readily available that evaluate this effect, including a 2010 study conducted by the Dukakis Center for Urban and Regional Policy at Northeastern University, and a 2015 study conducted by the Alliance for Community Transit-Los Angeles.<sup>11</sup> In addition, TransForm’s Green TRIP Connect tool calculates the impact of affordable housing on lowering greenhouse gas emissions from residential development.<sup>12</sup>

4, cont.

The City should conduct a full analysis in order to understand the true effects of the Draft Plan on displacement of low-income residents, greenhouse gasses, air quality and vehicle miles travelled (VMT) or driven. After conducting this analysis, the City should require mitigation measures to reduce such impacts to a less than significant level.

#### **B. The Conclusion that the Plan Is Consistent with the AQMP Is Not Supported By Substantial Evidence**

The analysis of whether the Plan is consistent with the South Coast Air Quality Management District’s (the District) 2016 Air Quality Management Plan (AQMP), and thus whether the project conforms to the California State Implementation Plan required under the federal Clean Air Act, is conclusory. Consistency with the AQMP is crucial given that the district is in a nonattainment area for the federal ozone standards, and that the district has *never* met a federal ozone standard, even though the first standards were promulgated in 1979. The importance of compliance is heightened by the elevated rates of asthma and lung cancer, as well as vulnerable populations including one of the largest populations of houseless individuals in the United States, a significant number of children under the age of 10-years and elderly residents, over the age of 65-years, in the Plan Area.

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The DEIR finds that the total daily VMT will *increase* as a result of the Plan, both as compared to existing conditions and as compared to future conditions with no Plan.<sup>13</sup> Increasing vehicle miles driven will impede the District’s progress towards National Ambient Air Quality Standards (NAAQS) attainment, and thus interfere with the goals of the AQMP. The DEIR argues that daily regional emissions under the Plan will actually decrease despite the fact that more vehicle

<sup>11</sup> Stephanie Pollack, Barry Bluestone & Chase Billingham, Dukakis Center for Urban and Regional Policy at Northeastern University, “Maintaining Diversity In America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change” (Oct. 2010), available at [http://www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN\\_Equity\\_final.pdf](http://www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN_Equity_final.pdf); Alliance for Community Transit-Los Angeles, “Transit for All: Achieving Equity in Transit-Oriented Development” (2015), available at <http://www.allianceforcommunitytransit.org/wp-content/uploads/2015/02/ACT-LA-Transit-for-All-Achieving-Equity-in-Transit-Oriented-Development.pdf>.

<sup>12</sup> TransForm, Green TRIP Connect, <http://connect.greentrip.org/>.

<sup>13</sup> DEIR at p. 4.2-24.

trips will occur, based on the assumption that better technology will result in more efficient fuels and fewer emissions.<sup>14</sup> These engine improvements would occur with or without the presence of the Plan. The DEIR must separately analyze the impact of the Plan on transportation use – and do so factoring in income and displacement – in order to demonstrate whether it will be effective in encouraging bicycling, walking, and public transit usage. Since the Plan is expected to increase vehicle miles driven over what would occur without the presence of the Plan, regardless of expected improvements in technology the Plan will lead to increased sources of mobile emissions on the road, interfering with the Basin’s ability to meet the air quality standards. The DEIR must include mitigation measures to mitigate the interference with the AQMP.

5, cont.

### **C. The Conclusion that the Project Is Consistent with State and Local GHG Emission Reduction Policies Is Not Supported by Substantial Evidence**

According to the DEIR and Appendix G of the CEQA Guidelines, the Plan would have a significant effect on the environment if they “conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.”<sup>15</sup> But the analysis of how the Plan will result in emissions reductions is inadequate. For example, the DEIR states that “despite the overall increase in GHG emissions generated in the Downtown Plan Area, per capita GHG emissions would decrease.”<sup>16</sup> However, as described elsewhere, the analysis supporting this conclusion fails to fully account for the VMT, emissions, and other impacts from direct and indirect displacement from the Plan, meaning these per capita emissions reductions may not be achieved. This fuller analysis is essential to determining whether, and to what degree, the Plan will be effective in accommodating growth at various income levels and access to public transit for residents in the Plan Area.

6

A plan that increases VMT and the number of cars on the road will make it more difficult for the City and State to meet the ambitious reductions required under the policies listed. As such, the Plan impedes progress towards AB 32, and must include additional mitigation measures; reductions in vehicle trips and miles traveled are critical to achieve the required reductions under AB 32. Mitigation measures focused on making these reductions must be included in the current Plan instead of being deferred to an unspecified future date.

## **II. The DEIR Should Have Analyzed the Environmental Justice Impacts of the Plan and Included Mitigation for those Impacts**

The California Office of Attorney General (OAG) encourages lead agencies to include an environmental justice analysis in their environmental impact reports.<sup>17</sup> The OAG also recognizes that “specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities.”<sup>18</sup> According to CalEnviroScreen 3.0, CalEPA’s screening tool that ranks each

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<sup>14</sup> DEIR at p. 4.2-25.

<sup>15</sup> DEIR at p. 4.7-24.

<sup>16</sup> DEIR at p. 4.7-29.

<sup>17</sup> Office of the California Attorney General, “Environmental Justice at the Local and Regional Level” (2012), p. 3, available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf).

<sup>18</sup> Office of the California Attorney General, “Environmental Justice at the Local and Regional Level” (2012), p. 3, available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf).

census tract in the state for “pollution burden” and vulnerability, the proposed 2040 Plan covers numerous environmental justice neighborhoods. Plan Area residents in Chinatown, Little Tokyo and Skid Row are currently in the highest percentile of burden, overburdened with environmental and health risks, exposure to poor air quality, a shortage of affordable housing, overcrowding, and ever-increasing rent burdens. Given that the DEIR finds that there will be significant and unavoidable environmental impacts on communities that are already overburdened with health risks, and who may have limited access to health services that are affordable and culturally and linguistically appropriate, a separate environmental justice analysis is warranted to discuss holistic solutions.

Projects resulting in physical changes that have socioeconomic impacts are environmental justice concerns. CEQA requires lead agencies to assess social and economic impacts of projects where those impacts comprise a physical effect (such as where a project results in local business closures and urban decay),<sup>19</sup> and where a physical change to the environment is rendered significant because of its social or economic impact (such as where a railroad divides a community).<sup>20</sup> The Plan covers communities where residents are currently facing a housing crisis, overcrowded conditions, and the loss of community assets including local businesses (such as grocery stores and community oriented health care providers). An environmental justice analysis of gentrification and displacement should have been conducted to determine whether displacement resulting from the Plan rises to the level of a physical impact on the environment, or if the social and economic ramifications make the Plan’s physical changes significant. The CEQA Guidelines support the need for lead agencies to carry out such an examination, requiring environmental analyses to take into account impacts on population distribution and associated physical and health-related effects.<sup>21</sup>

The DEIR also should have included additional mitigation measures that focus on environmental justice communities. According to the OAG, “[w]here a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project’s impacts to that community or subgroup.”<sup>22</sup> The DEIR finds that even after mitigation measures are implemented, the Plan will have significant and unavoidable impacts on Air Quality (Exceedance of Criteria Pollutants—Construction and Operations, and Exposure of Sensitive Receptors to Toxic Air Contaminants— Operations); Cultural Resources (Historical Resources);

<sup>19</sup> Office of the California Attorney General, “Environmental Justice at the Local and Regional Level” (2012), p. 4, available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf) (citing *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 466).

<sup>20</sup> *Id.* at p. 4; see also CEQA Guidelines §§ 15131(b), 15382.

<sup>21</sup> “Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” CEQA Guidelines § 15126.2 (a).

<sup>22</sup> Office of the California Attorney General, “Environmental Justice at the Local and Regional Level” (2012), p. 4, available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf); see also CEQA Guidelines, 15041 (a).

Noise (Construction Noise and Vibration); Recreation (Park Deterioration); Transportation (Highway Off-Ramp Safety). Additional impacts not analyzed in the DEIR will particularly affect low-income residents with the effects of gentrification on raising rents and displacing local businesses. Because all of these impacts will affect communities that are disproportionately people of color and of low-income, those who are already overburdened with pollution and health risks, mitigations should be included that addresses environmental justice concerns for each affected subgroup.

Finally, municipalities are directed to incorporate environmental justice analyses into General Plan updates. SB 1000 requires an environmental justice element to be incorporated into General Plans updated on or after January 1, 2018. According to this law, all elements of General Plans – including Land Use Elements like the City’s Community Plans – should incorporate environmental justice goals. The DEIR should acknowledge this and incorporate environmental justice analysis in anticipation of its implementation and the need for consistency with the General Plan.<sup>23</sup>

In addition, the Governor’s Office of Planning and Research (OPR) recommends that local agencies directly address environmental justice when adopting plans, and ensure that the plans analyze and mitigate environmental justice, sustainable development, and transit-oriented development concerns.<sup>24</sup> The OAG also recommends that environmental justice should be considered by planners, stating that “[b]ecause CEQA requires that environmental impacts must be considered in context, cities and counties should pay special attention to whether a project might cause additional impacts to communities that already are affected by, or particularly vulnerable to, environmental impacts like air and water pollution.”<sup>25</sup>

We urge the City to address all of the above comments and make all of the above mentioned changes to the Air Quality and Greenhouse Gas Sections in the Final Environmental Impact Report (FEIR).

7, cont.

<sup>23</sup> SB 1000, [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1000](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000) (“The bill would also require the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, as specified, identify objectives and policies to promote civil engagement in the public decisionmaking process, and identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities. The bill would require the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018.”).

<sup>24</sup> Office of Planning and Research (OPR), General Plan Guidelines, 20, available at [http://opr.ca.gov/docs/General\\_Plan\\_Guidelines\\_2003.pdf](http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf).

<sup>25</sup> Office of Attorney General. CEQA and General Planning, <http://oag.ca.gov/environment/ceqa/planning>, accessed Jan. 3, 2017.



**Land Use Comments**<sup>26</sup>**I. The DEIR Fails to Assess the Potential for the Plan to Physically Divide Downtown Neighborhoods and Fails to Evaluate the Plan's Consistency with Relevant General Plan and Land Use Policies and Regulations**

Appendix G of the CEQA Guidelines provides that a project would have a significant impact related to land use and planning if it would: physically divide an established community;<sup>27</sup> or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.<sup>28</sup> The CEQA Guidelines also require an EIR to identify any inconsistencies between the Proposed Project and the applicable general, specific or regional plans.<sup>29</sup>

As described below, the DEIR fails to assess the Plan's potential to physically divide certain neighborhoods, does not evaluate consistency with several relevant General Plan objectives, and does not evaluate consistency with several other relevant land use plans, policies, and regulations. Although unevaluated in the DEIR, it is apparent that the current Draft Plan may be inconsistent with some of these unevaluated plans and policies, potentially resulting in significant environmental impacts. These potential significant impacts could be eliminated or mitigated with several key changes to the Plan's policies and zoning standards. We urge the City to make changes to the Plan as described below and then evaluate consistency with these plans, policies and regulations in the FEIR.

**A. The DEIR Fails to Assess the Plan's Potential to Physically Divide the Skid Row Community**

CEQA Guidelines Threshold 4.10-1 provides that a project would have a significant impact related to land use and planning if it would physically divide an established community. The DEIR concludes that the Plan would have no impact related to the physical division of an established community, but it reaches this conclusion without evaluating the risk of physically dividing the Skid Row community with proposed zone changes.

Skid Row is home to the highest concentration of unsheltered individuals anywhere in the nation. On any given night, over 4,600 people in Skid Row are houseless and over 2,000 people are unsheltered.<sup>30</sup> This community is highly vulnerable to displacement and would become physically divided by the Plan if mitigation measures are not included. The Plan would allow new residential uses, with no affordable housing requirement, in areas in and around Skid Row that do not currently allow any residential use. For example, the blocks south of East 3rd Street would be rezoned from M2 to CX2, allowing market-rate residential development. And many

<sup>26</sup> These comments are in response to the updated Plan draft released on Nov. 12, 2020. To the extent that the adopted Plan differs from the Nov. 12th draft, we reserve the right to submit additional comments regarding the sufficiency of the environmental review.

<sup>27</sup> Threshold 4.10-1.

<sup>28</sup> Threshold 4.10-2.

<sup>29</sup> CEQA Guidelines § 15125(d).

<sup>30</sup> 2020 Greater Los Angeles Homeless County – Skid Row Data Summary, <https://www.lahsa.org/documents?id=4700-2020-greater-los-angeles-homeless-count-skid-row>.

parcels in the blocks east of San Pedro between East 7th and 8th Street would be rezoned from M2 to IX3 and CX2, allowing market-rate residential use without an affordable housing requirement. Only a portion of the Skid Row neighborhood is covered by the IX1 use zone restricting residential uses to 100% affordable housing.

The DEIR simply describes the Draft Plan as accommodating “future development [that] would occur in a manner consistent with existing neighborhood characteristics [...]”<sup>31</sup> However, the Draft Plan would allow new, unaffordable, market-rate residential development in the Skid Row neighborhood that is inconsistent with neighborhood needs. Skid Row has historically been home to one of the most diverse communities in the City of Los Angeles. The community was built through policy interventions, community organizing, and straight will power. This has only been possible through investment in housing preservation over the last 30 years where old residential hotels have been upgraded to ensure a higher standard of living. The current Plan, does away with those ideas, limits the space where only affordable housing is allowed, and opens the majority of the community up to more market-rate housing. This change in policy is not consistent with the current neighborhood characteristics and could result in a drastic change, similar to what can already be seen in the current Historic Core, which over ten years ago was included in Skid Row. New high-rent, market-rate residential development threatens to displace and divide the current Skid Row community both through direct destruction of affordable housing and through increased physical presence of police and private security who target unhoused residents, particularly those who sleep on the sidewalks.<sup>32</sup> The Draft Plan zone changes could cause this division by continuing to allow, and expanding the number of parcels permitted for, entirely market-rate residential use in the Skid Row area. Residents who are displaced from Skid Row will likely be unable to afford housing in a nearby neighborhood and will be physically separated from their community by a considerable distance. Because the Plan’s land use and zoning changes in the Skid Row area will result in “radically different land use patterns that can physically divide a neighborhood by creating a new street pattern that impedes access from one area to another,”<sup>33</sup> the Plan should include mitigation measures. To mitigate this potential impact, the Plan should be amended to:

1. Expand the area covered by the IX1 use limitation restricting residential use to 100% affordable housing. The covered area should include all of the area bounded by Main Street, 3rd Street, Central Avenue, and 8th Street; and
2. Include a requirement for on-site affordable housing to mitigate indirect displacement from new, predominantly market-rate housing wherever zone changes on parcels near this area permit multi-family residential use where previously prohibited.

The FEIR must then evaluate the potential for the proposed zone changes in and near the Skid Row community to physically divide the community.

<sup>31</sup> DEIR at p. 4.10-27.

<sup>32</sup> See Harold Stolper, *New Neighbors and the Over-Policing of Communities of Color*, Community Service Society (Jan. 6, 2019), <https://www.cssny.org/news/entry/New-Neighbors> (linking increased police presence in gentrifying neighborhoods to increase in new development in New York City).

<sup>33</sup> DEIR at p. 4.10-18.



## **B. The DEIR Omits Key Analysis Related to the Plan's Consistency with Several General Plan Policies**

CEQA Guidelines Threshold 4.10-2 provides that a project would have a significant impact related to land use and planning if it would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In addition, CEQA Guidelines Section 15125(d) requires an EIR to identify any inconsistencies between the Proposed Project and the applicable general, specific or regional plans. The DEIR does not evaluate the Plan's consistency with several applicable General Plan objectives and fails to identify certain potential inconsistencies created by current Draft Plan provisions.

### **1. Housing Element**

The DEIR evaluates consistency with just three Housing Element objectives. The Housing Element contains many other objectives and numerous other policies and programs that are directly relevant to the Community Plan update process, and which go completely unanalyzed in the DEIR. These include, but are not limited to the following.

Housing Element Program 58 calls for the City to “[m]aintain a public database of population, employment, income, and housing within the City and within each Community Plan Area to enable the ongoing evaluation of citywide and local housing needs.” This requirement is similar to the provision in Measure JJJ<sup>34</sup> that requires new Community Plans to include a program to establish and monitor an inventory of affordable housing within the Community Plan Areas (CPAs).

The Draft Plan should be revised to establish a program to create and monitor an inventory of existing affordable housing assets in the CPAs, consistent with Housing Element Program 58 and Measure JJJ. The FEIR should then evaluate consistency with Program 58, and other relevant Housing Element programs and policies.

Housing Element Program 73 calls for Community Plan updates to establish mixes of housing types and levels of affordability in transit areas and directs that “when building envelopes are increased, take care not to undermine the density bonus program. Aim to attach community benefits, including affordable housing, to significant bonuses in floor area and density.” Similarly, Housing Element Program 101 directs the City to, “[w]ith each major community planning effort, establish a goal for the development of affordable housing units based on the current Regional Housing Needs Assessment (RHNA) allocation for the City and Housing Element objectives and policies. Through adoption of Community Plans ... provide incentives for inclusion of affordable housing in residential development and/or other mechanisms that address impacts on the provision or retention of affordable housing units and need. Take care to not undermine the density bonus program by providing significant land-use incentives without an affordable housing provision.”

<sup>34</sup> City of Los Angeles Initiative Ordinance JJJ (2016).

Although not evaluated in the DEIR, the Draft Plan may undermine the Density Bonus and other existing housing incentive programs in several ways.

First, the Draft Community Benefits Program (Draft CB Program) incentivizes moderate- and above moderate-income (150% AMI) units, in conflict with State Density Bonus law and inconsistent with the greatest need. The Draft CB Program appears to provide that a housing development may receive a 35% density increase (Level 1) by providing “Set E” affordability standards, which includes an option to provide 40% moderate-income (120% AMI) units. The Draft CB Program further provides that a housing development may exceed this initial 35% density increase by providing an additional 2.5% increase in moderate-income or above moderate-income units.

This proposed incentive structure is inconsistent with State Density Bonus law and undermines efforts to prioritize affordable housing for those most in need. State Density Bonus law very plainly restricts the provision of a moderate-income incentive only to for-sale Common Interest Development projects. The City’s own TOC does not offer any moderate-income incentive for for-sale or rental projects. Therefore, by allowing rental housing developments a density increase for moderate-income units, the Draft CB Program would be inconsistent with both state law standards and local programs. Moreover, there is no incentive whatsoever in State Density Bonus law or the TOC for so-called “Above Moderate-Income” units. But the Draft CB Program would reward the provision of such units with the exact same bonus as it provides to projects that include additional low-income units in Level 2. This deviates from, and is fundamentally inconsistent with, the structure of the TOC and State Density Bonus law.

Second, the Draft CB Program allows affordable housing obligations to be satisfied with off-site units or in-lieu fees, which is inconsistent with density bonus and other existing incentive programs and would intensify exclusionary development Downtown.

The Draft CB Program should be a tool to promote inclusive development. Allowing developers to satisfy affordable housing obligations through off-site construction or an in-lieu fee undermines this goal by separating the residents of new market-rate construction from the residents of affordable housing, and exacerbates segregated development patterns and exclusively luxury enclaves to the detriment of a diverse and dynamic community. Including in-lieu and off-site options is also inconsistent with tried-and-true value capture policies, such as State Density Bonus law and the TOC, neither of which permit projects to access density incentives without on-site affordable housing. Aligning FAR bonuses with on-site affordable housing is the simplest way to ensure that the required affordable housing is built in the areas affected by new market-rate construction, and is built simultaneously and of comparable quality to the market-rate units. The Draft CB Program should remove options that allow developers to meet affordable housing requirements through off-site construction or payment of a fee.

Lastly, the affordable housing percentages in the Draft CB Program should be evaluated to ensure they do not fall below the Density Bonus or other affordable housing incentive programs. For example, the “Set E” standards allow a 35% density increase in exchange for 5% deeply low-income housing. While we support the inclusion of incentives for deeply low-income housing, the 5% percent amount should be evaluated to ensure it is financially equivalent to, and

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does not undermine, the affordability options under the Density Bonus, Measure JJJ and TOC incentive structures.

In addition to the aforementioned programs, there are many other relevant Housing Element policies that are not evaluated, including but not limited to those outlined in Table 1 below.

**Table 1. Housing Element Objectives and Policies Missing from DEIR Land Use Analysis<sup>35</sup>**

| Housing Element Objectives and Policies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Objective 1.1</b> Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.</p> <p><b>Policies</b></p> <p><b>1.1.1</b> Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status</p> <p><b>1.1.2</b> Expand affordable rental housing for all income groups that need assistance</p> <p><b>1.1.3</b> Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households</p> <p><b>1.1.4</b> Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards</p> <p><b>1.1.5</b> Develop financial resources for new construction of affordable housing</p> <p><b>1.1.6</b> Facilitate innovative models that reduce the costs of housing production</p> <p><b>1.1.7</b> Strengthen the capacity of the development community to development affordable housing</p> | <p>This objective and corresponding policies concerning the production of an adequate supply of housing to meet current and projected needs are incredibly relevant to the purpose of the Plan, and should be evaluated in the EIR. In particular, the Plan must prioritize the creation of deeply affordable housing in order to meet existing and projected needs, and the adequacy of the Plan's incentives programs should be evaluated for consistency with this objective.</p> |
| <p><b>Objective 2.1</b> Promote safety and health within neighborhoods</p> <p><b>Policies</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>This objective and related policies are especially relevant in today's heightened racial tensions with police, community calls for reimagining public safety and policing</p>                                                                                                                                                                                                                                                                                                     |

<sup>35</sup> Some of these policies appear to be listed in the DEIR Population, Housing, and Employment chapter as relevant objectives and policies, but there does not appear to be any evaluation of consistency or conflict with these policies and objectives pursuant to CEQA Guidelines Threshold 4.10-2.

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>2.1.1</b> Establish development standards and policing practices that reduce the likelihood of crime</p> <p><b>2.1.2</b> Establish development standards and other measures that promote and implement positive health outcomes</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>practices, and the ongoing global pandemic where intersection of land use, public safety and health is being confronted more than ever. The City and DCP have made verbal commitments to advance equity and to “intentionally and authentically deepen [its] efforts to serve all communities of Los Angeles in a manner that promotes equity and inclusivity.” It is, therefore, expected that the City would be discussing racial equity – required or not by CEQA – in all of its analysis of land use policies and plans, especially a Community Plan Update.</p> |
| <p><b>Objective 2.2</b> Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.</p> <p><b>Policies</b></p> <p><b>2.2.1</b> Provide incentives to encourage the integration of housing with other compatible land uses.</p> <p><b>2.2.2</b> Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.</p> <p><b>2.2.3</b> Promote and facilitate a jobs/housing balance at a citywide level.</p> <p><b>2.2.4</b> Educate the public to understand and support the benefits of mixed-use and mixed-income communities to accommodate projected growth.</p> <p><b>2.2.5</b> Provide sufficient services and amenities to support the planned population while preserving the neighborhood for those currently there.</p> | <p>This objective and corresponding policies concerning the creation of mixed-income housing and jobs/housing balance are incredibly relevant to the purpose of the Plan, and should be evaluated in the EIR. In particular, the Plan must prioritize the creation of deeply affordable housing in order to meet existing and projected needs, and the adequacy of the Plan’s incentives programs should be evaluated for consistency with this objective.</p>                                                                                                           |
| <p><b>Objective 4.1</b> Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>It is especially concerning that given the City’s continued homelessness crisis and the fact that Skid Row is included in the Plan Area that the DEIR makes no mention</p>                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p>persons who are homeless or at risk of homelessness</p> <p><b>Policies</b></p> <p><b>4.1.1</b> Ensure an adequate supply of emergency and temporary housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities</p> <p><b>4.1.5</b> Plan for emergency housing needs that will result from natural or man-made disasters</p> <p><b>4.1.6</b> Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations</p> | <p>whatsoever of the objectives or policies from Goal 4: Ending and Preventing Homelessness.</p> |
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The Draft Plan, including the Draft CB Program, should be revised to:

1. Avoid increases in base FAR unless affordable housing requirements are attached.
2. Eliminate incentives for moderate-income rental units and all above moderate-income units;
3. Eliminate in-lieu fee options for Level 1 and 2, requiring on-site affordability; and
4. Replace the TFAR program with a comprehensive, targeted Community Benefits Fund that directs resources to housing justice programs, community resources, and inclusive economic development consistent with CCU's recommendations dated October 15, 2020.<sup>36</sup>

The FEIR must then evaluate the Plan's consistency with these and other relevant Housing Element programs, objectives, and policies.

## **2. Health and Wellness Element**

The DEIR evaluates consistency with a number of Health and Wellness Element objectives. However, several key objectives and policies are missing from this analysis, including the following.

Objective 1.7 Displacement and Health calls for the City to "reduce the harmful health impacts of displacement on individuals, families, and communities by pursuing strategies to create opportunities for existing residents to benefit from local revitalization efforts by: creating local employment and economic opportunities for low-income residents and local small businesses; expanding and preserving existing housing opportunities available to low-income residents;

<sup>36</sup> See Appendix D.

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preserving cultural and social resources; and creating and implementing tools to evaluate and mitigate the potential displacement caused by large-scale investment and development.”

Corresponding Implementation Program P86 Displacement calls on the City “to mitigate displacement, leverage government resources (including land) to preserve the social, cultural and economic diversity of the city. Evaluate best practices to develop criteria to assess the displacement potential of low-income and vulnerable populations; identify and implement an array of mitigation tools that can preserve existing small businesses and affordable housing for low-income households; and create opportunities for low-income and vulnerable populations to access the benefits created by new development and investment in their neighborhoods.”

Although unevaluated in the DEIR, the Draft Plan should include stronger policies, programs and zoning standards sufficient to prevent displacement of low-income residents. The Draft Plan should be revised to address displacement risks head-on and include Goals, Policies and Programs that create real tools to minimize displacement and promote community stability, including but not limited to adding an explicit goal of preventing displacement of current residents, adding policies and programs to strengthen and enforce tenant protections, adding policies and programs to preserve rent stabilized units and affordable housing covenants, restricting residential conversions and demolitions, and ensuring no-net-loss of affordable or rent stabilized housing in the Downtown Plan Area. The Plan must also be very careful about where and how development incentives are applied. DCP should carefully study and disclose the location of existing rent-stabilized units and units occupied by lower-income residents throughout the community plan area, and assess how the proposed zone changes and Draft CB Program will affect these tenants and housing stock. Based on this analysis, the Draft CB Program and Draft CPIO should be amended to include policies and restrictions to ensure the preservation of existing rent-stabilized units and prevent the eviction or displacement of current tenants. The FEIR must then evaluate the Plan’s consistency with the Displacement and Health objective of the Health and Wellness Element.

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Objective 2.1 Access to Goods and Services calls for the City to “enhance opportunities for improved health and well-being for all Angelenos by increasing the availability of and access to affordable goods and services that promote health and healthy environments, with a priority on low-income neighborhoods... Prioritizing access to healthy goods and services will enhance Angelenos’ ability to make healthy choices and live healthy lives. The ongoing engagement of community members in identifying desired goods and services will be critical to informing the development and implementation of community plans, the Safe Routes to Schools Strategic Plan, transit neighborhood plans, and economic development initiatives that can incentivize and promote a greater provision of health-promoting amenities, with a special focus in underserved neighborhoods that face the greatest burden of unhealthy goods and services.”

Corresponding Implementation Program P3 Land Use Incentives calls on the City to “as part of re:code LA update, remove barriers and create land use incentives to encourage the provision of healthy goods and services (healthy neighborhood markets, farmers markets, full service grocery stores, full service restaurants, federally qualified health clinics, mental health services, affordable housing, wellness centers, daycare centers, preschools, community gardens, multi-purpose community centers, and the like) in underserved communities.”

Although unevaluated in the DEIR, the Draft Plan does not yet include policies, programs and zoning standards sufficient to increase the availability of and access to affordable goods and services that promote health and healthy environments in low-income neighborhoods. To be consistent with Objective 2.1, the Draft Plan, including the Draft CB Program, should be revised to include all of the following:

1. Replace the TFAR program with a comprehensive, targeted Community Benefits Fund that directs resources to community resources, and inclusive economic development consistent with CCU's recommendations dated October 15, 2020;<sup>37</sup>
2. Adopt a definition of "Community Serving Small Business" consistent with the recommendation in the CCU People's Plan<sup>38</sup> and include incentives to support such businesses;
3. Adopt policies and programs to increase opportunities for low-income microentrepreneurs to establish business and contribute to the Downtown economy;
4. Expand the community facilities that are incentivized in the Draft CB Program, to include: *Reduced Rent Community-Serving Small Businesses, Publicly Accessible Open Space, Adult Day Care facilities, and Sidewalk Vendor Commissaries*; and
5. Adjust use standards in Chinatown, Little Tokyo and Skid Row to reflect community needs and priorities to encourage the provision of healthy goods and services and prohibit harmful, unhealthy uses, consistent with the recommendations in the CCU People's Plan.

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The FEIR must then evaluate the Plan's consistency with the Displacement and Health objective of the Health and Wellness Element.

### **3. Framework Element**

The DEIR evaluates consistency with a number of Framework Element objectives. However, several relevant Framework Element policies and programs are unevaluated, including those listed in Table 2 of this letter. The FEIR must evaluate the Plan's consistency with those Framework Element Objectives and Policies listed in Table 2, below.

#### **C. The DEIR Fails to Evaluate the Plan's Consistency with Relevant Policies and Regulations Adopted for the Purposes of Avoiding Environmental Impact**

CEQA Guidelines Threshold 4.10-2 provides that a project would have a significant impact related to land use and planning if it would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As described below, the DEIR does not evaluate the Draft Plan's consistency or conflict with several key plans, policies or regulations intended to avoid negative environmental effects.

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<sup>37</sup> See Appendix D.

<sup>38</sup> See Appendix A.

## 1. Measure JJJ/TOC

The DEIR does not evaluate the Draft Plan's consistency with several relevant land use policies established pursuant to Measure JJJ.

Measure JJJ was approved by voters in the November 8, 2016 election and the provisions of the initiative went into effect on December 13, 2016. Measure JJJ resulted in several amendments to the Los Angeles Municipal Code (LAMC) governing legislative land use approvals, affordable housing incentives, and, specifically, the Community Plan update process.

With respect to Community Plan updates, prior to approval the City must now make a finding that the new Community Plans will not: (1) reduce the capacity for creation and preservation of affordable housing and access to local jobs; or (2) undermine California Government Code Section 65915 or any other affordable housing incentive program[.]<sup>39</sup> In addition, new Community Plans must now include: "[...] a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households."<sup>40</sup>

Moreover, Measure JJJ required DCP to create Guidelines to implement a Transit Oriented Communities (TOC) Affordable Housing Incentive Program.<sup>41</sup> These TOC Guidelines were released in September, 2017, and provide incentives ranging from 50% to 80% density increases in exchange for certain levels of on-site affordable housing. Measure JJJ provides that "the TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an Individual TOC Affordable Housing Incentive Area through a Community Plan Update, *provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).*"<sup>42</sup> (emphasis added)

The Measure JJJ Findings specifically refer to policy objectives of promoting "healthy, safe, walkable, and sustainable spaces at all economic levels," and promoting sustainable neighborhoods with mixed-income housing.<sup>43</sup> Because Measure JJJ is intended to avoid or mitigate negative environmental effects by promoting affordability near transit, it should be evaluated in the EIR.

Although unevaluated in the DEIR, the Draft Plan may not meet the requirements of Measure JJJ. First, the draft zoning map appears to increase the base FAR above the current zoning without requiring a corresponding community benefit in several areas. For example, the base FAR for several blocks immediately west of the Skid Row and Little Tokyo neighborhoods would appear to be increased from 6.0 to 9.0 with no corresponding community benefits. By increasing the residential development capacity of a site without requiring affordable housing,

<sup>39</sup> Measure JJJ, Section 4 (amending LAMC § 11.5.8).

<sup>40</sup> *Id.*

<sup>41</sup> Measure JJJ, Section 6 (adding a new Subdivision 31 to Subsection A of Section 12.22 of the LAMC).

<sup>42</sup> Measure JJJ, Section 6 (new subdivision (d)).

<sup>43</sup> Measure JJJ, Section 2.

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the Draft Plan is undermining existing affordable housing incentives and its own community benefit program. Increasing the base FAR on sites would effectively increase allowable density without any corresponding affordability contribution, which reduces the capacity for affordable housing creation and directly undermines State Density Bonus law in violation of Measure JJJ and LAMC Section 11.5.8.A.1.

Second, where there is an incentive structure, the affordable housing percentages in the Draft CB Program should be evaluated to ensure they do not fall below the Measure JJJ/TOC standards, thereby further threatening to reduce the capacity for creation and preservation of affordable housing and undermining the TOC. We appreciate the changes to the most recent November 2020 Draft Plan that increased many of the affordable housing incentives to meet or exceed TOC standards, however, the “Set E” standards allow a 35% density increase in exchange for 5% deeply low-income housing. While we support the inclusion of incentives for deeply low-income housing, the 5% percent amount should be evaluated to ensure it is financially equivalent to, and does not undermine, Measure JJJ and TOC affordability standards.

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In addition, the Draft Plan also provides incentives for moderate- and above moderate-income units and in-lieu options that are wholly inconsistent with the Measure JJJ and TOC standards, as described previously in this letter.

The Draft Plan, including the Draft CB Program, should be revised to:

1. Avoid increases in base FAR unless affordable housing requirements are attached;
2. Eliminate incentives for moderate-income rental units and above moderate-income units;
3. Eliminate in-lieu fee options for Level 1 and 2, requiring on-site affordability; and
4. Replace the TFAR program with a comprehensive, targeted Community Benefits Fund that directs resources to housing justice programs, community resources, and inclusive economic development consistent with CCU’s recommendations dated October 15, 2020.<sup>44</sup>

The FEIR must then properly analyze the Plan’s consistency with all relevant provisions of Measure JJJ.

## ***2. Assessment of Fair Housing***

The DEIR does not evaluate the Draft Plan’s consistency with the City’s Assessment of Fair Housing (AFH), adopted by the City Council on October 25, 2017.

The AFH “provides an overview of demographic data, examines fair housing issues, evaluates contributing factors for each issue, and outlines meaningful goals as well as strategies to implement in order to achieve positive change and overcome those fair housing issues and contributing factors.”<sup>45</sup> The AFH analyzes a variety of fair housing issues including, specifically,

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<sup>44</sup> See Appendix D.

<sup>45</sup> City of Los Angeles & the Housing Authority of the City of Los Angeles, Assessment of Fair Housing Plan 2018-2023 (hereafter, AFH), 16, available at <https://hcidla2.lacity.org/residents/assessment-of-fair-housing>.

environmental health. In addition, numerous fair housing strategies outlined in the AFH are focused on addressing environmental factors in disadvantaged communities, reducing environmental hazard burdens, and improving environmental outcomes. Because the AFH is clearly a local plan that is, in part, intended to avoid negative environmental effects, it should be evaluated in the EIR. Further, pursuant to AB 686 (effective January 1, 2019), the City must administer its programs and activities related to housing and community development in a way that affirmatively furthers fair housing.<sup>46</sup> AB 686 also prohibits cities from taking actions materially inconsistent with their obligation to affirmatively further fair housing. Although unevaluated in the DEIR, there are numerous provisions in the AFH that should be considered in the adoption of the Plan and corresponding FEIR. In providing a comprehensive fair housing analysis, the AFH provides a wealth of data and historical context that is directly relevant to the development of the Plan, including but not limited to:

- The AFH considers the potential for “green” displacement in and around Downtown, stating that “[p]reviously disinvested neighborhoods that are experiencing environmental restoration and enhanced livability, and, as a result, new investments could exasperate [sic] economic pressures for low-income residents, who disproportionately are racial and ethnic minorities (Map 18). Riverside neighborhoods north of Downtown, such as Elysian Valley, Elysian Park, and Cypress Park include large shares of Hispanic and Asian residents, and more than half of all households are renters and particularly vulnerable to displacement. As neighboring areas in Central LA, such as Downtown, experience an uptick in Ellis Act evictions, revitalization efforts focusing on ecology and waterways can propel displacement in adjacent neighborhoods.”<sup>47</sup>
- The AFH identifies the ongoing threat of gentrification Downtown, stating “[i]n 2010, the overall population was 3,778,861, a modest increase over 2000 of 88,482 or 2.4%. The diversity of the population slightly increased. At the same time, gentrification began to take hold in Downtown and other areas of the city.”<sup>48</sup>
- The AFH warns of the need to mitigate renter displacement impacts, stating “unless additional steps are taken to mitigate the effects of development on low-income renters of color, the City’s development strategy could have unintended consequences. For example, a disproportionate share of the City’s new permitting has been concentrated in areas near Downtown and in transit corridors, areas that have limited though increasing overlap with high opportunity areas.”<sup>49</sup>
- The AFH acknowledges the role of Community Plans in implementing Measure JJJ no net loss requirements, stating “[a]s part of Measure JJJ’s community plan requirement, the plan must ensure that there is no loss of affordable housing units through transit oriented development investments. The implementation of this planning requirement will be important to efforts to reduce the loss of affordable housing.”<sup>50</sup>
- The AFH also notes the lack of affordability Downtown, stating “[h]ousing cost burden is extremely high in Downtown, the neighborhoods to the West of Downtown, and the

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<sup>46</sup> Assembly Bill 686, text available at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB686](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB686).

<sup>47</sup> AFH at p. 233.

<sup>48</sup> AFH at p. 52.

<sup>49</sup> AFH at p. 114.

<sup>50</sup> AFH at p. 121.

Hollywood flatlands. These neighborhoods, with the exception of the Hollywood flatlands, also include several R/ECAPs.”<sup>51</sup>

In addition to a comprehensive fair housing assessment, the AFH also provides a number of goals and strategies to address the fair housing issues affecting people of color, large families with children, and persons with disabilities.<sup>52</sup> Many of these goals and strategies are directly relevant to the Plan, including but not limited to:

- Goal 1: Increase the stock of affordable housing throughout the city, particularly in neighborhoods of opportunity.
  - Identify and allocate city-owned land for affordable housing, particularly in current and emerging high-opportunity areas.
  - Remove barriers to producing affordable housing by streamlining the development process, including in high opportunity neighborhoods to decrease segregation and increase integration of protected classes (e.g., people with disabilities).
  - Increase the stock of affordable housing for people experiencing homelessness using the following tools/resources: Measure HHH; TOC Program; Updated Density Bonus; Unpermitted Dwelling Unit Ordinance; Shallow Subsidy Program; Comprehensive Homeless Strategy.
- Goal 2: Preserve the existing stock of affordable rental housing and rent stabilized housing.
  - Develop a citywide no-net-loss of affordable housing policy that is included in land-use plans, local laws, community plans, and Requests for Proposals for funding for affordable housing...In addition to “no net loss” on a parcel-specific basis, the City will begin to examine the feasibility of designating “no net loss” zones on an areawide basis.
  - Strengthen and expand education and outreach to tenants and owners of affordable rental housing at risk of conversion to market rents that include options for nonprofits and/or tenants to purchase expiring properties.
- Goal 3: Prevent displacement of low- and moderate-income residents.
  - Expand and strengthen support against unjust evictions, including just cause evictions and rent control policies.
  - Develop and implement an acquisition and rehabilitation loan program for small multi-family properties located in areas experiencing displacement pressures. Use a set of identified metrics to help determine impacted areas in the City.
  - Use best practice models for meaningful community engagement in planning and development decisions.
- Goal 4: Ensure equal access to housing for persons with protected characteristics, lower-income, and homeless residents.
- Goal 5: Expand access to opportunity for protected classes.
  - Implement Equitable Transit-Oriented Development utilizing Measure JJJ and TOC.

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<sup>51</sup> AFH at p. 334.

<sup>52</sup> AFH Section V at p. 382.

- Implement developer incentives to promote increased local hiring preferences on all housing projects.
- Target workforce development resources in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) to improve economic mobility.
- Goal 6: Increase community integration for persons with disabilities.
  - Require at least 10% of total units in all multi-family developments receiving public funds or funded with multifamily mortgage revenue bonds to be accessible to persons with mobility disabilities and at least 4% of total units to be accessible for persons with hearing and/or vision disabilities.
  - Require at least 10% and no more than 25% of units in all special needs developments or permanent supportive housing developments receiving public funds to be set aside for persons with disabilities, including individuals transitioning from institutional settings and individuals who are at risk of institutionalization.

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These goals and strategies are intended to inform City decisions that have a fair housing impact. Clearly, the Downtown Community Plan will have enormous fair housing implications. As such, the City should take great care to ensure the Plan will advance the goals and strategies of the AFH. The CCU policy recommendations, if incorporated into the Plan, will help the City make tremendous progress in achieving consistency with the AFH. The Plan should be amended, as necessary, to achieve consistency with the AFH, especially as it relates to affordable housing creation and tenant protections. The FEIR should then assess the Plan's consistency with the AFH.

### 3. *ILUP*

The DEIR does not evaluate the Draft Plan's consistency or conflict with the City's Industrial Land Use Policy (ILUP).

The ILUP is a comprehensive assessment of the City's existing portfolio of industrial land uses and corresponding policy guidance to DCP.<sup>53</sup> The ILUP includes numerous provisions that are directly relevant to Community Plan updates. For example, in certain "Employment Protection Districts," the DCP is directed to "identify through the Community Plan update process the capital and infrastructure needs and the actions necessary to assure the long-term viability of these areas for jobs and industry."<sup>54</sup> In several other identified areas, the DCP is instructed to "incorporate in the Community Plan updates measures or Community Benefits [defined in the ILUP Directive to include on-site affordable housing] to address the loss of employment lands and the need to provide amenities in areas that have not previously been planned for non-industrial use."<sup>55</sup> The ILUP contains numerous other directives relating to the Community Plan update process.<sup>56</sup> Because the ILUP provides guidance on the implementation of a variety of

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<sup>53</sup> ILUP documents available at, [http://planning.lacity.org/Code\\_Studies/LanduseProj/TOC\\_IndustrialLUPProj.htm](http://planning.lacity.org/Code_Studies/LanduseProj/TOC_IndustrialLUPProj.htm).

<sup>54</sup> City of Los Angeles, STAFF DIRECTION REGARDING INDUSTRIAL LAND USE AND POTENTIAL CONVERSION TO RESIDENTIAL OR OTHER USES (hereafter, "ILUP Staff Directive"), 4, available at, [https://planning.lacity.org/Code\\_Studies/LanduseProj/Industrial\\_Files/StaffDirections.pdf](https://planning.lacity.org/Code_Studies/LanduseProj/Industrial_Files/StaffDirections.pdf).

<sup>55</sup> ILUP Staff Directive at pp. 5, 6.

<sup>56</sup> See *Id.* at pp. 1,3,5,6,7,10.

industrial land use policies intended to mitigate the environmental and health impacts of conflicting land uses, it should be evaluated in the DEIR.

The Plan will undoubtedly have impacts on industrial land use. Many sites are slated for transition from industrial use to “Hybrid Industrial,” or other new designations that support commercial or residential development. The Plan would result in an overall net loss of industrial zoned land.<sup>57</sup> The DEIR and Draft Plan present various arguments in favor of this industrial conversion. Yet, despite these significant proposed changes to the City’s stock of industrial land uses, the DEIR does not evaluate consistency with the City’s industrial land use policy. As a result of this omission, the DEIR fails to account for the guidance the ILUP provides to DCP in preparing Community Plan updates, and omits any reference to the standards for industrial conversions that are supposed to be embedded in Community Plan updates.

13, cont.

The FEIR should assess the Plan’s consistency with the entire ILUP, including a careful analysis of consistency with the various community benefits provisions contained therein.

#### **4. CRA**

The DEIR does not adequately evaluate the Draft Plan’s consistency with the Redevelopment Plans. The Downtown Plan Area contains three active redevelopment plans. All three plans include replacement housing requirements for dwelling units destroyed within the plan areas.<sup>58</sup> In contrast, the Draft Plan would not require all projects that destroy dwelling units to comply with a replacement requirement. Furthermore, the Redevelopment Plans include review and approval procedures that may implicate additional replacement obligations under Government Code Section 66300. The DEIR does not evaluate the significance of these potential inconsistencies. To address this potential inconsistency, the Plan should be revised to require all projects to replace any rent stabilized dwelling units or units affordable to or occupied by lower-income households that are destroyed by the project.

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#### **5. Wiggins Settlement**

The Wiggins Settlement Agreement and Development Guidelines and Controls for Single Room Occupancy (SRO) Residential Hotels must be implemented and enforced Downtown in order to preserve existing affordable housing in SROs and ensure that any SRO proposed for conversion or demolition guarantees a one-for-one replacement. Together, the Agreement, Guidelines, and the City Residential Hotel Ordinance provide a vital plan for the preservation of deeply affordable housing. The Downtown Community Plan needs to ensure proactive enforcement of these requirements, and consistency with these requirements should be evaluated in the EIR.

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<sup>57</sup> DEIR, Tables 4.10-1 and 4.10-2.

<sup>58</sup> See Section 532, Chinatown Redevelopment Plan. Section 409.3, City Center Redevelopment Plan, Section 409.3, Central Industrial Redevelopment Plan.

## 6. Racial Equity Analysis

DCP is embarking on the necessary process of confronting the myriad ways that planning and zoning decisions have created and continue to intensify disinvestment, racial segregation, and environmental injustice.

Los Angeles' history is full of racist and discriminatory land use practices where certain populations and neighborhoods prospered at the expense of others. As we described in the CCU People's Plan, "racial covenants, single-family zoning, and urban renewal are just a few examples of both explicit and masked efforts to protect white homeowners from others. In fact, each of our three neighborhoods – Chinatown, Little Tokyo, and Skid Row – were originally created to specifically segregate low-income immigrant and houseless residents from the rest of the City. In turn, many of the community organizations that work in these communities were established specifically to mitigate the harms caused by these place based policies. In more recent years, much has been made of the 'revitalization' or 'resurgence' of Downtown. But in too many instances, the policies and practices driving this 'resurgence' have caused more harm than benefit to low-income Downtown residents, including increased criminalization of unhoused residents and gentrification-fueled displacement and destabilization of low-income and immigrant communities – disproportionately harming communities of color."<sup>59</sup>

We appreciate DCP's recognition that it must not only reflect on the role of planning in driving racial injustice, but it must also forcefully act to dismantle racist structures and systems and advance racially equitable practices.<sup>60</sup> Pursuant to the Mayor's Executive Order No. 27, the Department has named a Chief Equity Officer and has begun developing a Racial Equity Action Plan. We applaud these steps, but more can and must be done. Critical to crafting policy and investment strategies to achieve equity is an understanding of existing disparities and their historical origins. So we urge DCP to conduct a Racial Equity Analysis of the Draft Plan, similar to what the cities of Seattle<sup>61</sup> and Oakland<sup>62</sup> have done with their land use planning efforts. This must include but should not be limited to evaluating the following questions:

- Is the intensity of expected growth in Downtown likely to have an impact on displacement of traditionally excluded populations? Excluded populations are those that have been historically oppressed and continue to deal with oppressive and discriminatory forces because of factors such as race, sex, gender, age, and/or status. Examples include but are not limited to persons and communities of color, immigrants and refugees, English language learners, and low-income residents.

<sup>59</sup> Central City United, "People's Plan" at p. 3.

<https://static1.squarespace.com/static/5e2f9c1251bedc373bccf0fa/t/5e334c9e74383164f98c2bd9/1580420261516/CUPP2020-Download-FINAL.pdf>.

<sup>60</sup> Los Angeles Department of City Planning, Press Release, "Largest U.S. Planning Department Stewards Its First Chief Equity Officer Appointment," August 10, 2020. [https://planning.lacity.org/odocument/bb80dfce-e843-4bf0-8774-1e917ef68e04/202008\\_ChiefEquityOfficer-PressRelease-English.pdf](https://planning.lacity.org/odocument/bb80dfce-e843-4bf0-8774-1e917ef68e04/202008_ChiefEquityOfficer-PressRelease-English.pdf).

<sup>61</sup>

<http://www.seattle.gov/documents/departments/opcd/ongoinginitiatives/seattlescomprehensiveplan/finalgrowthandequityanalysis.pdf>.

<sup>62</sup> <https://data.oaklandca.gov/stories/s/Neighborhood-and-Civic-Life/efqn-hnnk>.

- Is the intensity of expected growth in Downtown likely to have an impact on traditionally excluded populations' access to key determinants of physical, social, and economic well-being?
- Will the Plan's impacts disproportionately affect traditionally excluded populations?
- What strategies and levels of investment are necessary to mitigate the impacts of expected growth and to maximize opportunities for equitable outcomes?

Additionally, the analysis must incorporate a detailed and nuanced understanding of the diversity within individual communities and how the Plan's impacts on traditionally excluded communities are compounded for those facing multiple challenges.

Lastly, the analysis must also include a binding implementation plan outlining all of the programs, policies, and zoning standards specifically designed to create community stability and economic mobility for current residents, workers, and community serving small businesses in areas where new development could lead to displacement and where traditionally excluded populations currently lack access to opportunity. The analysis should be a standalone analysis, available for public review and comment, but also included in the FEIR.

### **Population, Housing & Employment Comments**

#### **I. The DEIR Population, Housing, and Employment Baseline Information is Insufficient and Inadequate to Conduct the Required CEQA Impact Analysis**

##### **A. The DEIR Fails to Account for the Current Public Health Pandemic**

While “[g]enerally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, ... [w]here existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence.”<sup>63</sup>

Therefore, while 2017 is the appropriate baseline for this DEIR, the City has been in the midst of a public health pandemic for the last nine months. This is one of those rare times where it is absolutely necessary, to provide an accurate picture of the Plan's possible impacts, to define existing conditions beyond the 2017 baseline. The failure of the DEIR to mention – let alone engage in any level of analysis of – the current public health context is not only tone-deaf but also poor planning practice, especially in light of the fact that land use policies have the ability to impact neighborhood conditions that can increase or decrease infection risk, conditions such as rates of overcrowding, access to open space, and the loss of public health resources such as medical clinics and grocery stores due to rezoning and redevelopment. Even more problematic, the Draft Plan itself fails to make any mention of COVID-19 and the continued pandemic which will undoubtedly impact Downtown (and beyond). Therefore, we urge the City to supplement its 2017 baseline conditions with the addition of any available population, housing, and employment data points available at the time of drafting the FEIR and properly contextualize that data in light

<sup>63</sup> 14 CCR § 15125(a)(1).

of the ongoing pandemic, especially the increase in risk of housing instability, eviction and homelessness due to loss of income, loss of employment, loss of childcare, contraction of COVID-19, need to take care of a household or family member with COVID-19, lack of access to healthcare, etc. Additionally, the FEIR should also do an assessment of resident access to vital public health infrastructure such as grocery stores, medical clinics, and pharmacies utilizing the 10 minute walk metric used to describe access to parks and open space. The assessment should also analyze access to stores that accept CalFresh and WIC, health providers that accept Medi-Cal, and health providers that offer translation and interpretation services in threshold languages as defined by federal and state Civil Rights laws.

17, cont.

## **B. The DEIR Contains Incomplete Baseline Population Data**

The DEIR omits relevant baseline population data. The DEIR accounts for the incarcerated population in Men's Central Jail and Twin Towers Correctional Facility.<sup>64</sup> However, the DEIR does not include the Metropolitan Detention Center, a United States federal prison also located within the Plan Area. The FEIR should properly account for this omitted population. The DEIR also fails to discuss the City's own [Index of Neighborhood Change](#) and [Index of Displacement Pressure](#), both of which are relevant to the Threshold 4.12.2 impact analysis. Of particular interest to CCU are the Downtown neighborhoods of Chinatown, Little Tokyo and Skid Row. Under both of these indexes all three of these neighborhoods score in the High to Very High tiers of risk. The determination of these risk levels are a result of analysis of a number of data points relevant to this section of the DEIR, including, but not limited to, median household income, percent renter, RSO units, occupied units, rent burden. The FEIR should include analysis of both the underlying relevant data points and the aggregated risk levels and the impact of the Draft Plan on these population, housing and employment indicators.

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## **C. The DEIR Contains Incomplete Baseline Housing Data**

### **1. Vacancy Baseline**

The DEIR baseline housing inventory for the Plan Area relies on faulty and myopic logic. The housing baseline for 2017 is 34,000 units and "assumes no vacant units and all forecasted units are occupied."<sup>65</sup> While this may be a relevant and conservative approach for forecasting *future housing needs* by assuming new housing needs will need to be met by new – not existing – housing units, it is not an appropriate methodology for accounting for the full breadth of potential housing impacts, including displacement impacts. For example, by not establishing an actual and accurate baseline of Downtown's housing vacancy, any displacement analysis will be skewed. Vacancy can be a precursor and/or indicator of housing stock at risk of demolition or conversion and therefore is relevant information for analyzing whether the Plan will displace substantial numbers of housing units and people, directly or indirectly, and necessitate construction of replacement housing elsewhere. The FEIR should present and account for *actual* Downtown vacancy rates.

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<sup>64</sup> DEIR at p. 4.12-2.

<sup>65</sup> DEIR, Table 4.12-2 at p. 4.12-2.



## 2. *Housing Baseline*

Furthermore, the DEIR's housing baseline is also incomplete because it fails to include comprehensive housing data necessary for conducting the required CEQA impact analysis.

The three relevant factors to the determination of significance related to displacement Threshold 4.12.2. are:

- “The total number of residential units to be demolished, converted to market-rate, or removed through other means as a result of the Proposed Project, in terms of net loss of market-rate and affordable units;
- The current and anticipated housing demand and supply of market-rate and affordable housing units in the area;
- The land use and demographic characteristics of the area and the appropriateness of housing in the area.”<sup>66</sup>

The only housing data presented in the DEIR is:

- Historical (2010) and Baseline (2017) housing inventory.<sup>67</sup>
- Extrapolation of number of households based on this housing inventory.<sup>68</sup>
- Generalization of housing preferences by age group, e.g. young adults (20-34 years old) tend to occupy apartments and smaller single-family units, whereas the 35-65 year old population tends to occupy a range of housing types.<sup>69</sup>
- Housing development projections with and without the Draft Plan.<sup>70</sup>

However, the total number of residential units to be demolished, converted to market-rate, or removed through other means as a result of the Plan, in terms of net loss of both market-rate and affordable units requires the analysis of such data as actual vacancy rates, age of housing stock, expiring affordability covenants, base land use and zoning changes that could incentivize change in use, housing subject to REAP, etc. Similarly, the current and anticipated housing demand and supply of market-rate and affordable housing units in the area requires the analysis of housing tenure, housing affordability levels, population-specific housing, housing size relative to population data like household income, size, rent burden and overcrowding, etc. Lastly, the third factor explicitly mentions “land use and demographic characteristics of the area” – which is not included whatsoever in this section's analysis and needs to be included; as well as the appropriateness of housing in the area, which requires many of the above mentioned data points as well as short-term rental housing data and its impacts on the total permanent housing stock Downtown.

Therefore, the FEIR should include all of the following additional baseline housing data and engage in adequate analysis of such data consistent with the Threshold requirements:

<sup>66</sup> DEIR at p. 4.12-14.

<sup>67</sup> DEIR at p. 4.12-2.

<sup>68</sup> *Id.*

<sup>69</sup> DEIR at p. 4.12-3.

<sup>70</sup> DEIR at p. 4.12-16 to p. 4.12-17.

- Actual Downtown vacancy rate;
- Age of housing stock;
- Number/percentage of units used for AirBnB and/or other short-term rental in Downtown;
- Downtown housing tenure;
- Downtown housing affordability, including RSO housing, housing with affordability covenants, their level of affordability (i.e., low-income, very low-income, extremely low-income), and any population requirements (e.g., special needs, TAY, veterans, senior);
- Downtown housing size, by bedroom-size;
- Downtown housing subject to the City's REAP;
- Downtown household overcrowding;
- Downtown household rent burden; and
- Downtown household size.

Additionally, Measure JJJ requires the City to make an assessment considering whether the Plan amendment will “reduce the capacity for creation and preservation of affordable housing and access to local jobs.”<sup>71</sup> However, the DEIR does nothing more than reference Measure JJJ in the Regulatory Framework subsection. While this Measure JJJ requirement is not a CEQA requirement, it is relevant to the analysis presented in the DEIR and is more than appropriate to expect the City to either include this assessment in the Draft Plan's DEIR or incorporated and reference the assessment, if done elsewhere. No such assessment is included in the Draft Plan itself and CCU is not aware of the City completing this assessment at all to date. The Los Angeles Municipal Code requires DCP to complete this assessment and for the City Planning Commission to receive and vote to accept or reject proposed amendments.<sup>72</sup> It is appropriate to request that DCP engage in this assessment as soon as possible and include it in the Plan and/or its FEIR prior to the City Planning Commission's formal review of the Plan and FEIR.

19, cont.

#### **D. The DEIR Contains Incomplete Baseline Jobs Data**

As discussed above under Baseline General Comments, the lack of any mention or analysis of the current pandemic fails to provide an accurate picture of the current context – this includes data on unemployment, underemployment, sectors hardest hit by the pandemic (including both sectors that have been economically impacted as well as sectors at highest risk of transmission), etc. This baseline data is critical to the subsequent impact analysis. Under CEQA, as discussed in the Air Quality and GHG Section above, displacement (including jobs displacement) that leads to increased vehicle miles travelled has an indirect impact on increased GHG emissions and is a physical impact which must be analyzed and addressed. Beyond CEQA, Measure JJJ also requires a jobs assessment be conducted. That requirement is discussed in more detail above.

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<sup>71</sup> DEIR at p. 4.12-10, emphasis added; *see also* LAMC § 11.5.8.A.

<sup>72</sup> LAMC § 11.5.8.B.

## II. The DEIR Population, Housing, and Employment Regulatory Framework Is Incomplete

The DEIR fails to include a complete presentation of all applicable local and state regulations. First, the DEIR fails to include mention and discussion of the Housing Accountability Act.<sup>73</sup> Distinct from State Housing Element Law<sup>74</sup>, the Housing Accountability Act prohibits local agencies from disapproving or conditioning approval of affordable housing or emergency shelters unless the local agency makes specified written findings. The DEIR should be revised to include discussion and analysis of this state law.

Second, whether the Draft Plan is consistent with adopted City and regional housing policies requires the discussion and analysis of the Framework and Housing Elements (discussed more below), HUD Consolidated Plan and CHAS policies, the adopted Redevelopment Plans, Rent Stabilization Ordinance, and the RTP/SCS. The DEIR does not include any mention or analysis of the City's Consolidated Plan and CHAS policies in the Project Impacts analysis starting at page 4.12-19. Therefore, the FEIR should include this omitted information.

Third, the DEIR is incomplete in its discussion of relevant housing, population, and jobs General Plan Framework and Housing Element objectives and policies; and fails altogether to engage in any analysis whatsoever of the Draft Plan's consistency with these objectives and policies. The comments provided in this section serve to supplement the Land Use Section comments also found in this comment letter given that the DEIR mentions objectives and policies here (Population, Housing, and Employment) that were not mentioned in its Land Use Section. The table (Table 2) below outlines all of the relevant population, housing, and jobs General Plan Framework and Housing Element objectives and policies not included in the DEIR. These omissions must be addressed and analyzed for consistency with the Draft Plan in the FEIR.

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**Table 2. General Plan Objectives and Policies Missing from DEIR Analysis**

| General Plan Framework Objectives & Policies missing from DEIR analysis                                                                                                                                                                                                                                                                                               | Comment |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Land Use</b>                                                                                                                                                                                                                                                                                                                                                       |         |
| <b>Policy 3.1.1</b> Identify areas...in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, education, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism. |         |
| <b>Objective 3.7</b> Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved                                                                                                  |         |
| <b>Policy 3.7.1</b> Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.                                                                  |         |
| <i>NOTE: changes to Zoning Code, discussion of need to update/rectify any discrepancies.</i>                                                                                                                                                                                                                                                                          |         |

<sup>73</sup> See Cal. Gov't. Code § 65589.5.

<sup>74</sup> Cal. Gov't. Code § 65580 et seq.

**Policy 3.7.2** Consider decreasing the permitted densities, by amendments to the community plan, of areas designated for multi-family residential where there is a mix of existing unit types and density and/or built densities are below the maximum permitted. When determining whether to reduce these densities, consider the following criteria:

- a. There is inadequate public infrastructure or services to provide for the needs of existing or future residents for which the cost of improvements would result in an undue burden on the community or are infeasible;
- b. The quality of life of the area's residents has been adversely impacted by the density of development (crime, noise, pollution, etc.);
- c. The neighborhood is physically and functionally stable;
- d. Existing housing units are structurally sound or can be upgraded without undue costs;
- e. There is a desire of the residents to preserve existing housing and neighborhood qualities; and/or
- f. Adequate housing potential exists or can be provided in nearby areas, including those designated for mixed-use development, in order to offset the loss of any potential units due to the reduced densities.

**Objective 3.10** Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles

## **Housing**

### **Policies**

**4.1.1** Provide sufficient land use and density of very low- and low-income housing developments in City subregions by providing incentives for scattered site development citywide.

**4.1.2** Minimize the overconcentration of very low- and low-income housing developments in City subregions by providing incentives for scattered site development citywide.

**4.1.3** Minimize the over concentration of public housing projects in a City subregion.

**4.1.4** Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

**4.1.5** Monitor the growth of housing developments and the forecast of housing needs to achieve a distribution of housing resources to all portions of the City and all income segments of the City's residents.

**4.1.6** Create incentives and give priorities in permit processing for low- and very low-income housing developments throughout the City.

**4.1.7** Establish incentives for the development of housing units appropriate for families with children and larger families.

21, cont.

**4.1.8** Create incentives and reduce regulatory barriers in appropriate locations in order to promote the adaptive re-use of structures for housing and rehabilitation of existing units.

**4.1.9** Whenever possible, assure adequate health-based buffer zones between new residential and emitting industries.

**4.2.1** Offer incentives to include housing for very low- and low-income households in mixed-use developments.

**4.4.1** Take the following actions in order to increase housing production and capacity:

- a. Establish development standards that are sufficiently detailed and tailored to community and neighborhood needs to reduce discretionary approvals requirements.
- b. Streamline procedures for securing building permits, inspections, and other clearances needed to construct housing.
- c. Consider raising thresholds for categorical exemptions for CEQA clearances for projects conforming to the City's development standards, particularly when housing is combined with commercial uses in targeted growth areas.
- d. Consider establishing City service which assists applicants in processing applications for housing projects.

## **Economic Development**

### ***Policies***

**7.2.1** Identify the characteristics of any surplus City-owned land and determine the appropriateness of designating this land for public, commercial, industrial, or residential uses.

**7.2.2** Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.

**7.2.4** Ensure that the City has enough capacity to accommodate the development of general commercial uses which support community needs in all parts of Los Angeles.

**7.3.2** Retain existing neighborhood commercial activities within walking distance of residential areas.

**Objective 7.6** Maintain a viable retail base in the City to address changing resident and business shopping needs.

### ***Policies***

**7.6.1** Encourage the inclusion of community-serving uses at the community and regional centers, in transit stations, and along the mixed-use corridors.

**7.6.3** Facilitate the inclusion of shopping facilities in mixed-use developments that serve the needs of local residents and workers.

21, cont.

**Objective 7.7** Achieve an effective “match” between the qualifications of the local labor force and the anticipated personnel requirements of existing and emerging industries in the City.

**Objective 7.9** Ensure the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City’s work force to both live and work in the City.

**Policy 7.9.1** Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City’s fiscal structure.

**Objective 7.10** Program resources in a manner that encourages appropriate development, housing opportunities, transit service and employment generation in all areas of the City, with particular emphasis on those portions of the City which historically have not received a proportional share of such opportunities, consistent with the City’s overall economic policies.

**Policies**

**7.10.1** Focus available implementation resources in centers, districts, and mixed-use boulevards or “communities of need.”

**7.10.2** Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.

**7.10.3** Determine appropriate levels of service for, but not limited to, educational facilities, hospitals, job training and referral centers, and transportation opportunities in the "communities of need.

**Housing Element Objectives & Policies missing from DEIR analysis**  
**Comment**

**Policies**

**1.1.8** Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status

**1.1.9** Expand affordable rental housing for all income groups that need assistance

**1.1.10** Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City’s households

**1.1.11** Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards

**1.1.12** Develop financial resources for new construction of affordable housing

**1.1.13** Facilitate innovative models that reduce the costs of housing production

**1.1.14** Strengthen the capacity of the development community to development affordable housing

**Objective 2.1** Promote safety and health within neighborhoods

**Policies**

**2.1.1** Establish development standards and policing practices that reduce the likelihood of crime

21, cont.

**2.1.2** Establish development standards and other measures that promote and implement positive health outcomes

*Comment: This objective and related policies are especially relevant in today's heightened racial tensions with police, community calls for reimagining public safety and policing practices, and the ongoing global pandemic where intersection of land use, public safety and health is being confronted more than ever. The City and DCP have made verbal commitments to advance equity and to "intentionally and authentically deepen [its] efforts to serve all communities of Los Angeles in a manner that promotes equity and inclusivity." It is, therefore, expected that the City would be discussing racial equity – required or not by CEQA – in all of its analysis of land use policies and plans, especially a Community Plan Update.*

*Policy 2.1.2 has further relevance in our continued public health crisis. The Plan's consistency with this policy requires both the presentation of existing COVID-19 related data (discussed above) and the analysis of the Plan's impacts on the Plan Area.*

**Objective 2.3** Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources**Policies****2.3.1** Streamline entitlement, environmental, and permitting processes for sustainable buildings**Objective 4.1** Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness**Policies****4.1.1** Ensure an adequate supply of emergency and temporary housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities**4.1.5** Plan for emergency housing needs that will result from natural or man-made disasters**4.1.6** Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations

*Comment: It is especially concerning that given the City's continued homelessness crisis and the fact that Skid Row is included in the Plan Area that the DEIR makes no mention whatsoever of the objectives or policies from Goal 4: Ending and Preventing Homelessness.*

21, cont.

**III. The DEIR Housing, Population, and Employment Environmental Impact Analysis is Incomplete and Inadequate**

The DEIR should be revised to address all of the below inaccuracies and omissions to adequately determine whether the Draft Plan will have a significant impact on population, housing, and employment.

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### **A. The DEIR Erroneously Labels the Growth Inducement Threshold**

There appears to be an error on page 4.12-13 where the DEIR references the growth inducement threshold of significance as “Threshold 4.12.2.” However, Threshold 4.12.2 is the displacement threshold of significance; therefore, this should be corrected in the FEIR to read “Threshold 4.12.1.”

22, cont.

### **B. The DEIR Fails to Engage in an Adequate Housing, Population and Employment CEQA Impact Analysis**

Although social and economic impacts are not CEQA impacts unless they result in indirect physical impacts, as admitted in the DEIR, CEQA Guidelines still require a lead agency to consider the reasonably foreseeable indirect environmental consequences of a project’s economic or social impacts where supported by substantial evidence.<sup>75</sup> The DEIR concludes that the Draft Plan would neither induce substantial unplanned population growth nor displace substantial numbers of existing people or housing without engaging in adequate analysis to support that conclusion.<sup>76</sup>

#### **1. Displacement Impact Analysis**

The DEIR conclusion that any displacement impact would be less than significant rests mainly on the City’s claim that while it is reasonably anticipated development from the Draft Plan will likely result in some displacement of housing and residents<sup>77</sup>, the number of displaced units and residents and locations of any replacement housing would be speculative. This is problematic and incomplete analysis for a number of reasons.

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First, the Project Impact subsection of the DEIR engages in no numerical calculations or analysis and only references the Plan Area’s capacity for an additional 99,000 units. It is impossible to conclude some displacement of housing and residents will occur but that whatever that is will not be significant without the presentation and analysis of additional data relevant to this conclusion. In the comments above, we outline the various relevant data points for this analysis that are not included in the DEIR. Without the data, there can be no analysis. Therefore, we reiterate that the FEIR must present all relevant population, housing, and employment data.

Second, this line of logic employed in the DEIR hides behind an arbitrary differentiation between what is “reasonably foreseeable” and what is “speculative” as a means of avoiding actual analysis of population, housing, and employment impacts.<sup>78</sup> There is an inherent uncertainty built into planning for the future built environment. However, what takes professional planning processes arguably out of the speculative into the reasonably foreseeable is the grounding in and application of data, facts, evidence of trends, and standardized planning principles. The City cannot opt out of engaging in proper planning process, by first ignoring the

<sup>75</sup> DEIR at p. 4.12-14 to p. 4.12-15.

<sup>76</sup> DEIR at pp. 4.12-15 & 4.12-19.

<sup>77</sup> DEIR at p. 4.12-19.

<sup>78</sup> DEIR at p. 4.12-20.



breadth of population, housing, and employment data available to it and then evading analysis of such data. The City is choosing to speculate – and then hide behind this veil of speculation – when it has full capacity to engage in fact-based, meaningful analysis that can predict what is likely to occur.

For example, the DEIR claims “...it would be speculative to attempt to identify which units and people, how many units and people might be displaced, and what the lag time, if any, might be.”<sup>79</sup> However, the environmental impact analysis for housing and population displacement does not require the City to pinpoint exact locations or numbers of units and persons displaced. Rather, the responsibility of the City is to engage with all known data – which it fails to do – and make reasonable projections about population and housing displacement across the Plan Area.

Therefore, it is imperative that the FEIR present a thorough *analysis* of all relevant data to properly land on a substantiated conclusion about the Draft Plan’s displacement impacts. In addition to utilizing the City’s own Index of Displacement and Index of Neighborhood Change, the City should utilize LA County’s displacement research<sup>80</sup> which layers data from UC Berkeley’s Urban Displacement Project with maps of areas currently or projected to have high levels of public and private investments, such as new transit stations and the LA River restoration, both of which are included in the Downtown Community Plan Area. The County research also includes sites within these neighborhoods to be prioritized for affordable housing, an Economic Assets Recovery Tool, a Social Equity Indicator, and a number of other resources. All of these tools are being utilized by the County as a way to strategically intervene before displacement occurs and that the City should also adopt as part of its planning efforts.

23, cont.

Additionally, while the Plan assumes that more market rate housing will decrease median rents for the region, given the significant number of extremely low-income residents in the Plan Area, even modest rent increases for units that are currently considered below market can lead to homelessness. As such, a displacement impact analysis must also take into consideration homelessness risk. The City should use predictive tools such as Zillow’s homelessness research<sup>81</sup> and well as neighborhood and demographic data including:

- Total number of units that are:
  - Occupied by extremely low-income households;
  - Occupied by deeply low-income households;
  - SROs; and
  - Utilize Section 8 vouchers
- Total number of residents who:
  - Are living at 200% of the federal poverty level or below;
  - Live in overcrowded housing; and
  - If displaced, would not be able to afford a comparable median priced unit anywhere in the City.

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<sup>79</sup> *Id.*

<sup>80</sup> See <http://file.lacounty.gov/SDSInter/bos/supdocs/143392.pdf>.

<sup>81</sup> See <https://www.zillow.com/research/homelessness-rent-affordability-22247/>.

Additionally, it is important for the City to recognize the significant number of units that are occupied by more than one household. It is necessary for displacement and risk of homelessness assessments to be able to distinguish between multi-family households and large single-family households.

Third, the City is talking out of both sides of its mouth. The DEIR makes a number of unsubstantiated conclusions (in favor of finding no significant displacement impact), while at the same time claiming that it cannot quantify displacement impacts. This picking and choosing of when it can and when it cannot reach conclusions is not only completely inadequate, it is also in bad faith and insulting to the public. By way of example, the DEIR does not hesitate to claim that “[i]t is anticipated that any replacement housing need created by displacement of existing housing would be more than offset through implementation of the Downtown Plan.”<sup>82</sup> Similarly, the DEIR claims that “displacement of housing units likely to occur due to the time lag between demolished units and construction of new units would be temporary and would be offset by the overall net increase in housing under the Downtown Plan.”<sup>83</sup> There is no data presented to back-up any of these assertions, but yet the City was comfortable to make these conclusions and does not couch them as speculation. How is it speculative to estimate the amount of displacement but then conclude that any displacement impacts will be met by new housing in the Draft Plan? This clearly illustrates the inconsistent logic applied in the DEIR and must be rectified in the FEIR.

23, cont.

Fourth, despite stating that loss of affordable housing or displacement that results in transportation or other impacts related to people driving a farther distance<sup>84</sup> is an example of a CEQA (indirect) environmental impact, DEIR does not assess what, if any, impact the loss of affordable housing or displacement would have on the need for people to drive farther distances or the need for additional housing construction elsewhere. Once again, the DEIR ignores engaging in the full analysis required by CEQA. Displacement is anticipated. Therefore, even if the City concludes that displacement impacts would not result in transportation or other environmental impacts, such conclusion still requires corroborating analysis and discussion. The FEIR must provide this analysis.

CCU additionally incorporates into this section the displacement risk and analysis comments made above in this comment letter’s Land Use Section.

#### **IV. The DEIR Housing, Population, and Employment Cumulative Impacts Analysis is Incomplete and Inadequate**

Historically, the City has allocated more growth Downtown to be consistent with the General Plan Framework vision for Downtown as a center of urban activity and SCAG’s goal of reducing vehicle miles travelled by locating housing and jobs by transit.<sup>85</sup> This Draft Plan follows suit, accommodating “a high proportion of Citywide population, housing, and employment growth projected by SCAG through 2040 in the Downtown Plan Area.” However, the Cumulative Impacts Section fails to discuss how and where the City is allocating the rest of projected

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<sup>82</sup> *Id.*

<sup>83</sup> DEIR at p. 4.12-21.

<sup>84</sup> DEIR at p. 4.12-14.

<sup>85</sup> DEIR at p. 4.12-18.

Citywide growth. Even though there are other community plans that have not yet been updated or are not yet in the update process, if the City has the Citywide growth projections and has allocated a portion of that Citywide projection to Downtown it logically follows that there was a determination made of appropriate allocations to the other Community Plan areas. Therefore, the cumulative impacts analysis should account for and provide the distribution of growth across all plan areas to properly conclude less than significant impact in Downtown. The FEIR should include this Citywide distribution by Community Plan area.

24, cont.

We urge the City to make the all of the abovementioned changes to the Population, Housing and Employment Section and adequately evaluate the direct and indirect population, housing, and employment impacts of the Plan in the FEIR.

### **Recreation Comments**

#### **I. The DEIR's Recreation Section is Inadequate and Must Be Supplemented with Additional Analyses and Mitigation Measures**

The DEIR's Recreation Section fails to adequately analyze whether and to what extent the influx of new residents over the next twenty years facilitated by the Plan will increase the use and subsequent physical deterioration of existing parks and recreational facilities. The City does not provide baseline information about the current levels of use or physical conditions of the Downtown Plan Area's parks and recreational facilities, which would be essential to determining whether any increase in use or subsequent physical deterioration is likely to occur. According to the 2016 Los Angeles County Parks Need Assessment, the Downtown Plan Area is comprised of neighborhoods having "Very High" or "High" park needs, which is a likely indicator that existing park use is relatively high. In addition, community feedback has consistently confirmed that Downtown parks have among the highest user rates in the City. Moreover, in 2020 alone, community members have reported parks in Downtown being used as temporary homeless shelters, COVID-19 testing sites, cooling centers, food distribution centers, learning centers, shelters from wildfire impacts, and day camps for children. As discussed earlier in this comment letter, increased use of parks due to COVID-19 is yet another reason for including a supplemental baseline of 2020 and pandemic-specific data points for analysis of the Plan's environmental impacts. Clearly, much more information on current park and recreational facility uses is needed to inform the DEIR on this issue.

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Rather than including such information in the DEIR and conducting an appropriate analysis, the City simply assumes that new development resulting from the Plan will increase the use of park and recreational facilities and accelerate the deterioration of those parks and facilities. This is already concerning and improper in that the degree of increased use and/or deterioration is not being measured, as stated above. The greater concern, however, is that the DEIR fails to even offer or consider any mitigation measures to address the acknowledged significant impacts described above. The City flatly states that "[b]ecause of the lack of available space to develop new parks to serve the anticipated population growth in the Downtown Plan Area, feasible mitigation beyond the policies and initiatives included in the Downtown Plan to enhance Downtown Plan Area recreational opportunities, as described above, is not available. Therefore,

this impact would be unavoidably significant,”<sup>86</sup> and “[b]ecause mitigation is not available to address the impact related to deterioration of existing parks, this impact would be significant and unavoidable.”<sup>87</sup> This cursory analysis is patently inadequate and in violation of CEQA. No analysis supports that the Plan Area has a “lack of available space to develop new parks,” but even if that were the case, available space is not the only factor relevant to potential mitigation. For illustrative purposes, why does the City not include any goals to use Quimby fees to fix up deteriorating facilities or enhance park programs and operations? The DEIR’s discussion on Quimby and other park fees is limited to acquisition and new development, even though Quimby can be used for renovations, equipment, and improvements at existing parks. The City must identify proposed mitigation measures to actually address the acknowledged significant impacts.

25, cont.

Finally, we question whether the DEIR has adequately analyzed the ancillary impacts of parks and recreational facilities that might need to be built as a result of the Plan. For instance, the Plan’s prioritization of “catalytic parks”<sup>88</sup> may well have significant greenhouse gas impacts as they will likely draw residents from all over the Los Angeles basin, as opposed to neighborhood and pocket parks that are designed for local residents.

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### **Conclusion**

CCU respectfully requests that the City address all of the abovementioned comments and incorporate all of the abovementioned changes to its CEQA analysis and FEIR on the Downtown Community Plan. Should you have any questions or need clarification on any of the above, please do not hesitate to contact us.

Sincerely,



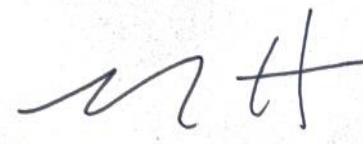
Sissy Trinh  
Southeast Asian Community Alliance



Erich Nakano  
Little Tokyo Service Center



Steve Diaz  
Los Angeles Community Action Network



Greg Bonett  
Public Counsel

<sup>86</sup> DEIR at p. 4.14-9.

<sup>87</sup> DEIR at p. 4.14-10.

<sup>88</sup> DEIR at p. 4.14-11.

**Appendix A: Central City United People's Plan**



# Central City United People's Plan

Mike Dennis/IG: @fraudfix.

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# introduction

The Central City United (CCU) Coalition,<sup>1</sup> as stakeholders in Skid Row, Little Tokyo, and Chinatown, proudly presents our People's Plan for an equitable and inclusive Downtown Community Plan. Our collective community engagement has resulted in the following policy and zoning recommendations that prioritize affordable and supportive housing, promote inclusive economic development, strengthen community leadership, create healthy neighborhoods, and sustain the culture of existing neighborhoods and peoples. The CCU People's Plan reflects the priorities and needs of our communities and envisions a Downtown where all communities—especially low-income communities, immigrants, and unhoused people—can live, work, and thrive.



## BY 2040 DOWNTOWN LOS ANGELES WILL ADD:



**125K**  
**PEOPLE**



**70K**  
**HOUSING**  
**UNITS**



**55K**  
**JOBS**

Home to the City's oldest neighborhoods, Downtown Los Angeles has seen over a century's worth of transformation, with many more changes yet to come. At least 76,000 people currently live in the Downtown Community Plan Area,<sup>2</sup> with hundreds of thousands of people from across Southern California visiting Downtown each day to work, play, worship, and access healthcare and other vital services. This population will continue to grow. By 2040, Downtown is projected to add approximately 125,000 people, 70,000 housing units, and 55,000 jobs.

How will this growth happen? **Will future development uplift the low-income residents and stakeholders who have built and strengthened Downtown neighborhoods for generations?** Will new investments be directed to not only stabilize low-income communities and communities of color, but enable them to thrive? Will the decision-making process that drives Downtown growth be grounded in racial and economic justice?

These are some of the pressing questions that drive our collective engagement in the Downtown LA Community Plan Update (DTLA 2040).

To usher in a truly equitable future for Downtown, we need to learn from our past. Historically the City has done a poor job of planning for its most vulnerable residents. Like so many cities across the country, Los Angeles has a history of racist and discriminatory land use practices that have created and perpetuated segregation. Racial covenants, single-family zoning, and urban renewal are just a few examples of both explicit and masked efforts to “*protect*” white homeowners from “*others*.” In fact, each of our three neighborhoods—Chinatown, Little Tokyo, and Skid Row—were originally created to specifically segregate low-income immigrant and houseless residents from the rest of the City. In more recent years, much has been made of the “*revitalization*” or “*resurgence*” of Downtown. But in too many instances, the policies and practices driving this “*resurgence*” have caused more harm than benefit to low-income Downtown residents, including increased criminalization of unhoused residents and gentrification-fueled displacement and destabilization of low-income and immigrant communities. Our intimate historical experiences with harmful land use and zoning policies make us especially invested in ensuring DTLA 2040 advances truly equitable planning.

The City’s past does not have to become its future. **Our current affordable housing and houselessness crisis makes the need for inclusive and equitable planning all the more urgent, and DTLA 2040 provides an important opportunity for exactly that.** As the City plans for growth, we believe these plans can be carefully tailored to ensure that Downtown becomes better for everyone, in particular residents and stakeholders at risk of displacement and those who are unhoused.

The CCU Coalition, led by the Southeast Asian Community Alliance (SEACA), Little Tokyo Service Center (LTSC) and the Los Angeles Community Action Network (LA CAN), as key stakeholders in Chinatown, Little Tokyo, and Skid Row, along with Public Counsel, proudly share our collective vision for an equitable, inclusive, people-centered DTLA 2040.

. The CCU Coalition came together to lift up the voices and concerns of the poorest and most vulnerable residents of Downtown in the community plan process. We know from experience that community-led planning results in healthier, more stable communities.

Our Coalition has been engaged with the Downtown Community Plan update process since its inception. We have spent, separately and collectively, hundreds of hours convening community

meetings, conducting outreach, and educating our communities across seven languages about the community plan process and discussing its impacts. Through this, we have built capacity among local residents to be active participants in the planning process.

The CCU People's Plan is the result of our collective community engagement and reflects the priorities and needs of residents in Skid Row, Little Tokyo, and Chinatown. The specific policy and zoning recommendations in the CCU People's Plan were developed in collaboration with residents and stakeholders, and are based on proven models, many of which have already been incorporated into other City planning documents. Our communities have contributed to the history, vitality, and unique culture of Downtown, which has made it the "heart of Los Angeles." As such, we believe that planning efforts for Downtown must include and elevate the voices of our communities in order to ensure a stronger and more equitable DTLA 2040.

# our neighborhoods

Skid Row, Little Tokyo and Chinatown each have their own unique histories, priorities, and needs. But, there is also a significant amount of shared history, values, and hopes for the future. Each neighborhood has endured the harmful impacts of discriminatory land use planning, and each neighborhood has demonstrated community resiliency and ingenuity that should be used as models for equitable planning across the City.

# I. SKID ROW



Skid Row is home to the highest concentration of unsheltered individuals anywhere in the nation. On any given night, over 4,700 people are houseless and over 2,700 people sleep on the sidewalks in this 54-block area of Los Angeles.<sup>3</sup> Skid Row is also a community, where low-income and unhoused Angelenos discover and create opportunity and organize around housing justice and human rights.

In 1976, the City of Los Angeles enacted a zoning plan to preserve the biggest collection of low-income housing in Los Angeles County by preserving the Skid Row neighborhood. In the nearly 50 years since then, many units of low-cost housing have been lost to conversion and demolition. But many other housing units have been taken out of slumlord hands and are now owned by nonprofits who have both renovated existing buildings and developed new ones. In addition to sidewalk encampments, thousands of Skid Row residents live in emergency shelters and short-term programs, as well as Permanent Supportive Housing, privately owned Residential Hotels, and Single Room Occupancy (SRO) hotels. Supporting Skid Row residents requires multiple coordinated efforts, including but not limited to creating more deeply affordable and supportive housing, preserving existing low-cost housing, strengthening tenants' rights, enforcing habitability standards and ensuring healthy homes, ending the criminalization of poverty, and promoting food justice and economic opportunity.

IN LOS ANGELES, BLACK RESIDENTS MAKE UP JUST 9% OF THE POPULATION,  
BUT 38% OF THOSE EXPERIENCING HOUSELESSNESS



**54**  
**BLOCK**  
**AREA OF**  
**LOS ANGELES**



**2,700**  
**PEOPLE SLEEP**  
**ON THE**  
**SIDEWALKS**



**ON ANY GIVEN**  
**NIGHT IN THE SKID**  
**ROW DISTRICT:**  
**4,700**  
**PEOPLE ARE**  
**HOUSELESS**

Skid Row is a predominantly Black neighborhood. In Los Angeles, Black residents make up just 9% of the population, but 38% of those experiencing houselessness.<sup>4</sup> This underscores the importance of centering racial equity and justice in the DTLA 2040 process and its ultimate outcomes—not just for Skid Row in particular, but for all of the City’s communities of color and historically ethnic-identified neighborhoods.

The Skid Row community has a history of strong and effective activism. Skid Row residents have successfully advocated for a moratorium on hotel conversions and the reinvestment in Gladys Park. And Skid Row residents took the initiative to start providing trash cans and cleaning up streets when the City wouldn’t.<sup>5</sup> That spirit of activism and resiliency now carries forward to DTLA 2040. Skid Row residents and service providers have been convening for years to evaluate the impacts of the Community Plan update and educate City officials about key priorities and needs.<sup>6</sup> DTLA 2040 needs to center these priorities and needs in its policies, programs and zoning standards.

## II. LITTLE TOKYO



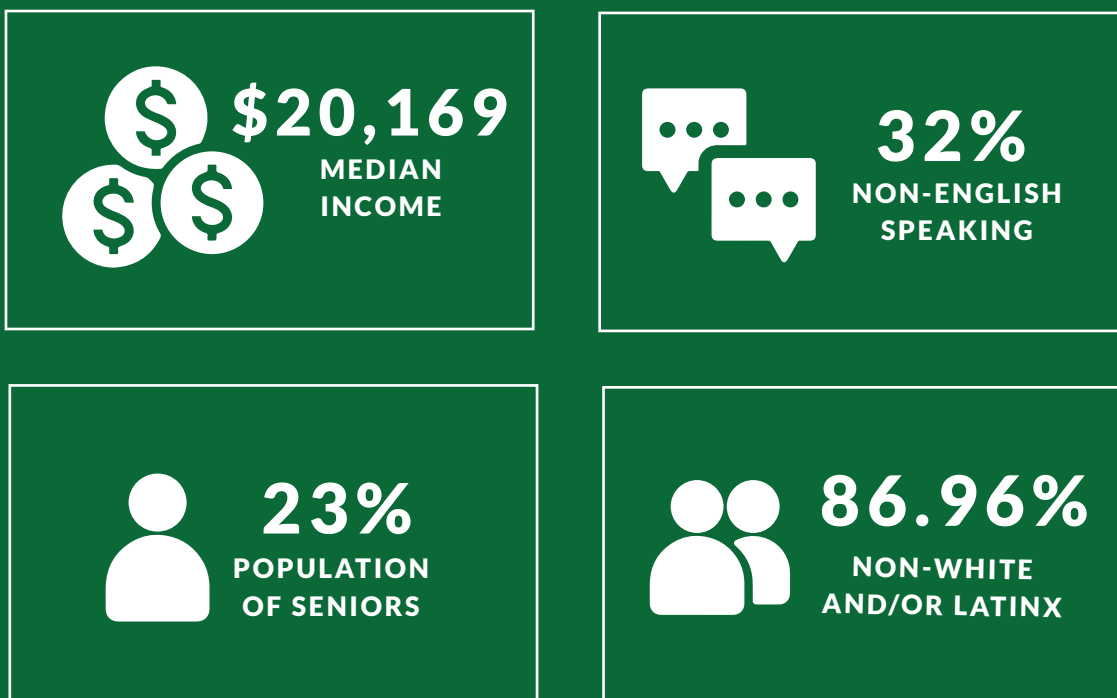
Scott Oshima

Little Tokyo is an over 130 year old community, the second oldest neighborhood in Los Angeles, and one of only three remaining historic Japantowns in all of the United States. Little Tokyo has endured waves of displacement, initially triggered by WWII Executive Order 9066, which authorized the internment of residents of Japanese descent and was followed by the City's use of eminent domain power to expand the Civic Center.

Yet Little Tokyo has endured and is now one of just two designated California Cultural Districts in the City of Los Angeles. The small neighborhood boasts more than 50 traditional and contemporary cultural and spiritual groups, organizations, and institutions. It is also home to over 15 major Japanese American, Asian American, and Pacific Islander arts and cultural institutions.<sup>7</sup> The arts in Little Tokyo generate approximately \$55.5 million per year and 1,734 jobs.<sup>8</sup>

Little Tokyo has historically been rich in long-time, family-run and multigenerational small businesses that are integral to Little Tokyo's culture, survival, and identity. Unfortunately, many have been struggling with rising rents and inconsistent patronage over the last five years<sup>9</sup> due to increased real estate pressures in broader Downtown and the expansion of light rail construction. The majority of new development in Little Tokyo since the mid 2000's has been private market rate housing and commercial development, but the community continues to fight for community control over publicly owned land that was taken during and after the WWII internment of Japanese residents and Japanese Americans.

THE ARTS IN LITTLE TOKYO GENERATE APPROXIMATELY \$55.5 MILLION PER YEAR AND 1,734 JOBS.



There are about 3,589 people<sup>10 11</sup> living in Little Tokyo, with an average household size of mostly one or two people, and an extremely low median income of \$20,169<sup>12</sup> primarily due to the high population of fixed and low-income senior residents (and portions of Skid Row residents). About 23% of the population are seniors.) About 32% of the community is non-English speaking and 86.96% of the population is non-white and/or Latinx. The majority of the residents are Asian (1,476), followed by Black residents (704), White residents (731), and other (678).

Little Tokyo, similar to Skid Row and Chinatown, is known for being pedestrian-friendly. The neighborhood's Walk Score (2016) is a high 94.01 and its Transit Score (2016) is a very high 97.41.<sup>13</sup> The average number of vehicles per household is less than one. Additionally, the percent of people who commute via public transit (between 2013-2017) is close to 20%, which is almost four times the regional average. Over 15% of the Little Tokyo community walks to work, more than seven times the regional average.

DTLA 2040 is a critical opportunity to preserve rich cultural assets, increase affordable housing, promote a thriving economy of culturally significant and community-serving small businesses, support a growing senior population, and enhance some of the City's most transit-oriented and pedestrian-friendly development in Little Tokyo.



# III. CHINATOWN



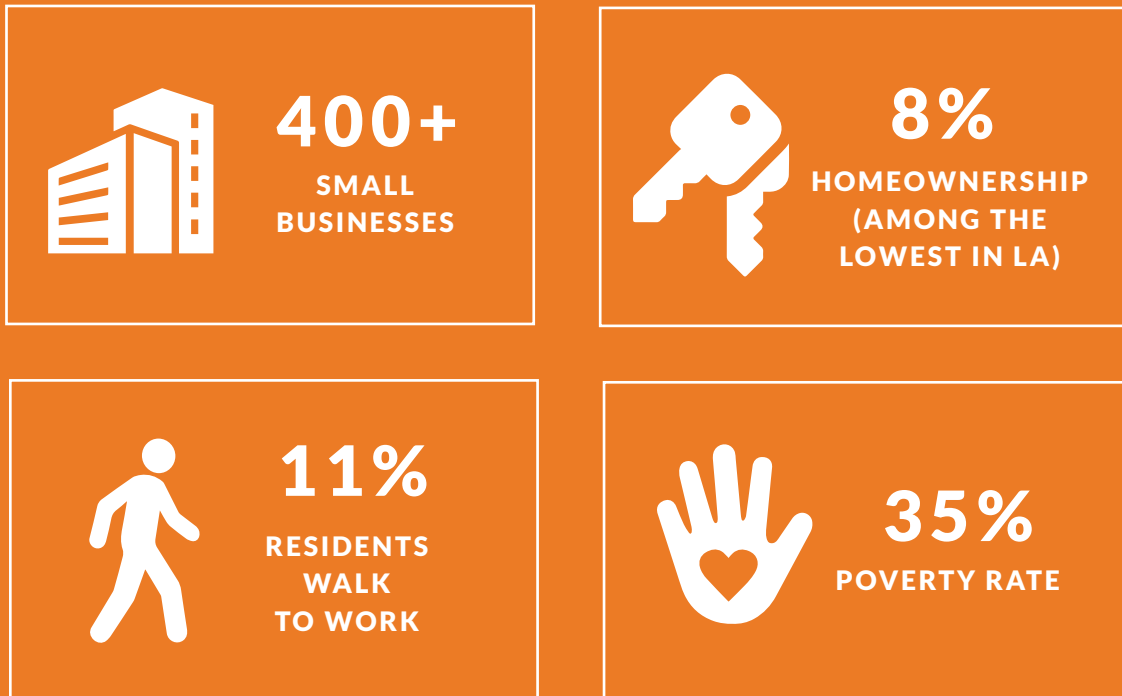
Rudy Espinoza

Chinatown was originally established in the 1800's in order to racially segregate Asian residents from the rest of the City.

Simultaneously, state and federal laws barred Asian residents from property ownership, access to higher education, and citizenship (and therefore the ability to vote), severely limiting Asian communities' ability to thrive. Provided with a captive audience of renters unable to live elsewhere, property owners in Chinatown had little incentive to maintain their properties, allowing the neighborhood to deteriorate into a slum until the City demolished the entire community to make way for Union Station.

Barred from accessing mainstream economic and educational opportunities, newly arrived immigrants and refugees responded by creating their own neighborhood associations, social service programs, and small businesses. Today, Chinatown is home to over 400 small businesses and micro-entrepreneurs, many employing local residents and providing vital culturally and linguistically needed goods and services.<sup>14</sup> As a bustling residential and employment center for low-income Asian immigrants, Chinatown's jobs, retail, and affordable housing mix has meant that 25% of all households are able to go car-free.<sup>15</sup> In fact, 11% of residents walk to work and Chinatown buses have some of the highest ridership in the entire Metro bus network, making Chinatown the model for a walkable, transit-oriented community.<sup>16</sup>

TODAY CHINATOWN IS HOME TO OVER 400 SMALL BUSINESS  
AND MICRO ENTREPRENEURS



However, the gentrification of Chinatown now threatens the cultural and historical fabric of the community. The adaptive reuse of buildings into creative office and mixed-use developments has led to the closure of four supermarkets and several community-serving small businesses as well as the loss of hundreds of local jobs. Even with thousands of new market rate units built in the last few years, Chinatown remains a low-income community with a median household income of \$28,500.<sup>17</sup> With a 35% poverty rate and with 92% of Chinatown residents identifying as renters, many residents are only one rent increase away from becoming houseless.<sup>18</sup>

DTLA 2040 is an opportunity to usher in new standards and rules that can preserve Chinatown's important cultural and community assets while creating new housing that is truly affordable to the low-income Chinatown residents who have invested so much in their neighborhood.

# our shared vision

Public support for equitable development policies is at an all-time high. In the last several years, voters overwhelmingly backed several local measures to increase the supply of affordable housing and fund solutions to our houselessness crisis.

Faced with these challenges and opportunities, we came together to create a People's Plan for Downtown that seeks to:

- 1 Stop displacement by prioritizing tenant protections and creating a net gain of affordable and supportive housing.**
- 2 Promote inclusive economic development that supports workers, community-serving businesses, and residents on limited incomes.**
- 3 Strengthen community leadership in the planning and development of Downtown's low-income communities.**
- 4 Create neighborhoods that support the health, well-being, and dignity of all residents and stakeholders.**
- 5 Sustain the cultural practices and values of the existing neighborhoods and people.**

# policy recommendations

The Goals, Policies, and Programs recommended below were developed in collaboration with low-income residents and stakeholders in our communities, and are based on proven models, many of which have already been incorporated into other City planning documents, such as the South and Southeast LA community plans. Specific proposed amendments and recommendations to the Draft Downtown Community Plan Text (released June 2019) are included in a separate appendix.



## HOUSING AND COMPLETE NEIGHBORHOODS

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Prevent the displacement of low-income residents and strengthen tenant protections.
- Preserve existing affordable housing and ensure no net loss of affordable housing opportunities.
- Prioritize deeper affordability for residents most at risk of houselessness.
- Promote land trusts and community stewardship to prevent displacement and promote housing stability.
- Maximize the utility of public land in creating new affordable and supportive housing.
- Ensure that new development is accountable to community needs and land use incentives are consistent with value capture principles for affordable housing production.
- Promote and prioritize development of supportive and 100% affordable housing projects.
- Advance a comprehensive strategy to support houseless Downtown residents by increasing access to services and affordable housing and preventing unjust criminalization.



## ECONOMIC DEVELOPMENT

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Enhance quality employment opportunities.
- Promote inclusive entrepreneurship.
- Establish a definition and provide incentives and policies to preserve existing and promote new Community-Serving Small Businesses.
- Ensure inclusive and culturally relevant economic development.



## URBAN FORM

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Integrate anti-displacement principles into urban form and design.
- Prohibit hostile architecture.
- Promote safe walkable urban design.



## HISTORIC AND CULTURAL RESOURCES

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Center low-income communities in the promotion and preservation of cultural resources.
- Ensure adaptive reuse does not result in displacement of residents and Community-Serving Small Businesses.
- Promote low-income community engagement and involvement in historic and cultural resource programming.



## WELLNESS AND SUSTAINABILITY

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Enhance community health.
- Prevent the negative health consequences of displacement by promoting equitable development, tenant protections, and support for Community-Serving Small Businesses.



## DOWNTOWN PLACES

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Ensure equitable development in each Downtown neighborhood.
- Prioritize deep affordability and clarify a mixed-income standard for new live/work development.
- Prioritize deeply affordable housing in Skid Row.
- Strengthen Skid Row assets and prevent policy and design standards that harm extremely low-income and houseless residents.
- Ensure inclusive and responsible open space and affordable housing development.
- Amend existing draft policies to prioritize affordability and community-serving uses in Chinatown and Little Tokyo (“Village” Communities).
- Prioritize deeply affordable housing, displacement avoidance, inclusive economic development, and support cultural institutions in Village communities.



## MOBILITY AND CONNECTIVITY

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Enhance mobility and connectivity for the most vulnerable populations.



## PUBLIC REALM AND OPEN SPACE

*Amend current draft Policies and include new Goals, Policies, and Programs to:*

- Promote park equity and inclusive open space in Downtown.
- Advance equitable LA River revitalization.

# zoning & community benefits recommendations

The following proposed changes to the Draft Downtown Community Plan Zones and Community Benefits Program (released October 2019) reflect the priorities and needs of our community members for more affordable housing, access to more publicly accessible open space, and the inclusion of a greater range of community benefits. More detail on the proposed recommendations is included in a separate appendix.

- 1** Expand the IX1 district to ensure greater coverage of the 100% affordable housing standards.
- 2** Eliminate development incentives for moderate and above-moderate income housing to focus on most needed deeply affordable housing.
- 3** Adjust the on-site affordable housing incentive and density standards to achieve more effective value capture and better align with standards in the proven TOC program
- 4** Prioritize on-site affordable housing to ensure inclusive neighborhoods.
- 5** Prevent the direct displacement of current residents through strict requirements on the use of development incentives.
- 6** Modify the definition of “Publicly Accessible Open Space” to ensure it is truly open to all.
- 7** Expand “Community Facilities” incentives to encourage a broader range of community benefits.

# conclusion

We are in a decisive moment. DTLA 2040 presents a unique opportunity to affirm the City's commitment to equitable, community-centered planning in one of LA's most diverse and rapidly changing communities. Building on progress in recent community plan updates, like the South and Southeast LA Community Plans, the City can advance new policies, programs, and zoning standards that directly address the harms of past discriminatory planning practices and equitably distribute resources and opportunities to low-income residents and communities of color in the Downtown Community Plan Area. And with significant attention on DTLA 2040 as the first Community Plan updates to apply new re:code LA zoning tools, the City can set a new citywide standard for equitable and collaborative community planning. None of this will be possible, however, unless the City actively and meaningfully engages the communities most at-risk of being excluded from the resources and opportunities flowing into Downtown. In collaboration with low-income resident leaders from Chinatown, Little Tokyo and Skid Row, the Central City United Coalition is proud to present this community-driven vision for an equitable DTLA 2040. We welcome the opportunity to work with the City to amend the Draft Plan to integrate these principles and to ensure a healthy, thriving, and sustainable Downtown for everyone.



<sup>1</sup> “Central City” refers to the Downtown Community Plan area

<sup>2</sup> Draft Downtown Community Plan, Table 1.1.

<sup>3</sup> 2019 Greater Los Angeles Homeless Count - Skid Row Data Summary, <https://www.lahsa.org/documents?id=3527-hc2019-skid-row-data-summary.pdf>

<sup>4</sup> 2019 Greater Los Angeles Homeless Count - City of Los Angeles Data Summary, <https://www.lahsa.org/documents?id=3421-2019-greater-los-angeles-homeless-count-city-of-los-angeles.pdf>; see also “Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness,” Los Angeles Homeless Services Authority, December 2018, <https://www.lahsa.org/documents?id=2823-report-andrecommendations-of-the-ad-hoc-committee-on-blackpeople-experiencing-homelessness>.

<sup>5</sup> Los Angeles Poverty Department, Walk the Talk 2018, page 4, <https://www.lapovertydept.org/wordpress/wp-content/uploads/2018/10/WTT2018.pdf>.

<sup>6</sup> See Inner City Law Center, Policy Briefing Paper, “Land Use Planning in Skid Row: Strategies to Prevent Displacement and Build Affordable Housing” June 2018, <http://www.innercitylaw.org/wp-content/uploads/2018/06/skid-row-zoning.pdf?fbclid=IwAR3X0Q9YvCwtAKH3NZVJdYLPtkl2Xbk-OyEHMfd2DFb37Pq86ZqlJGkrjps>.

<sup>7</sup> Sustainable Little Tokyo 2020, <http://sustainablelittletokyo.org/content/2-projects/10-slt2020/slt-2020-brochure.pdf>.

<sup>8</sup> Sustainable Little Tokyo, Arts Economic Impact Report (forthcoming).

<sup>9</sup> Sustainable Little Tokyo 2020, <http://sustainablelittletokyo.org/projects/slt2020>.

<sup>10</sup> Our neighborhood demographics data is approximate because of census tract boundaries conflicting with the neighborhood boundaries. It includes portion of Skid Row and does not include some residents and institutions, particularly East of Alameda.

<sup>11</sup> Enterprise Community Partners Opportunity360 Tool, Census Tract 2062, <https://www.enterprisecommunity.org/opportunity360/measure>.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Based on a census of small business and micro entrepreneurs in Chinatown conducted by SEACA in 2019.

<sup>15</sup> American Community Survey, 2017 5-Year Estimates.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

## CONTACT INFORMATION

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**Appendix B: December 2019 Central City United Proposed Amendments to July 2019  
Draft DTLA Community Plan Policy Text**

CENTRAL CITY UNITED  
PROPOSED AMENDMENTS TO JULY 2019 DRAFT DTLA COMMUNITY PLAN POLICY TEXT

| HOUSING AND COMPLETE NEIGHBORHOODS                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Recommendation                                                                                         | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (1) <i>Prevent the displacement of low-income residents and strengthen tenant protection policies.</i> | <p>(A) Include new Goals and corresponding Policies and Programs focused on displacement avoidance, tenant protections, and healthy housing.</p> <p><b><u>LU GOAL1 [#]</u></b><br/> <u>EQUITABLE DEVELOPMENT THAT DOES NOT DISPLACE LOW-INCOME RESIDENTS AND INCLUSIVE GROWTH THAT ENHANCES THE RIGHTS OF LOW-INCOME TENANTS.</u></p> <p><b><u>LU [#].[#] Avoid Displacement.</u></b><br/> <u>New development should avoid the displacement of current residents.</u></p> <p><b><u>LU [#].[#] Preserve Rent-Stabilized Units.</u></b><br/> <u>Preserve and maintain rental units that are protected by the Rent Stabilization Ordinance (RSO) and maintain no net loss of affordable units in the Plan Area.</u></p> <p><b><u>LU [#].[#] Anti-Displacement Coordination with Community-Based Organizations.</u></b><br/> <u>Foster effective collaboration and coordination between City departments and tenant organizations to more quickly identify displacement and eviction threats and more efficiently respond with adequate resources and strategies.</u></p> <p><b><u>LU [#].[#] Tenants' Rights Enforcement.</u></b><br/> <u>Encourage an increase in resources for tenants' rights enforcement and protections, including legal representation, RSO monitoring and enforcement, and tracking of evictions and tenant buyout agreements in RSO units.</u></p> <p><b><u>LU [#].[#] Minimize the Harmful Impacts of Ellis Act Displacement.</u></b><br/> <u>Develop programs and resources to increase enforcement of Ellis Act notice requirements and re-rental restrictions, explore options to strengthen right of return and prioritize new affordable housing opportunities for households displaced by Ellis Act evictions.</u></p> | <p>Although thousands of low-income Downtown residents face ever-intensifying displacement threats, the current Draft Plan says very little about this most pressing issue. Displacement is a direct cause of houselessness and a destructive force in low-income communities and communities of color throughout Downtown.</p> <p>The Plan must address displacement risks head-on and include Goals, Policies and Programs that create real tools to minimize displacement and promote community stability. It is vital that the Plan address displacement risks explicitly and with meaningful policies.</p> <p>These Goals, Policies and Programs were developed in collaboration with low-income residents and stakeholders from across Downtown, and based on proven models, many of</p> |

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|  | <p><u><b>LU [#].[#] Tenant's Right of Return.</b></u><br/> <u>Provide former low-income tenants of demolished units with the first right of refusal on leases for the new housing units constructed on-site at affordable rents.*</u></p> <p><u><b>LU GOAL [#]</b></u><br/> <u>ALL HOUSING IS HEALTHY AND SAFE.</u></p> <p><u><b>LU [#].[#]</b></u><br/> <u>Promote safe building practices that support healthy homes. (e.g. low-VOC emissions materials, asbestos-free materials, lead-free paint).</u></p> <p><u><b>LU [#].[#]</b></u><br/> <u>Proactively monitor and regulate modifications to any residential rental building component that may release environmental hazards, and ensure tenants receive meaningful relocation assistance when necessary.</u></p> <p><u><b>LU [#].[#]</b></u><br/> <u>Train City departments, property owners, and property managers on tenants' rights to live in habitable housing, the health effects of environmental hazard exposure, and appropriate management of environmental hazards such as lead and asbestos to prevent tenant exposure.</u></p> <hr/> <p><b>PXX</b> <u><b>Ellis Act:</b> Study and implement policies to prevent the harmful impacts of Ellis Act evictions, including heightened notice requirements, increased relocation assistance, stronger penalties for Ellis Act abuse, and increased resources for monitoring and enforcement. Support state legislation to reform or repeal the Ellis Act.*</u></p> <hr/> <p><b>PXX</b> <u><b>Universal Just Cause Eviction Protections:</b> Encourage citywide expansion of the Just Cause eviction protections in the RSO to all rental units. Just Cause protections promote community stability by ensuring that renters are protected against arbitrary</u></p> | <p>which have already been incorporated into other City planning documents.</p> <p>Adding these Goals, Policies, and Programs to the Plan will ensure that Downtown remains a diverse community where quality housing opportunities are actually available to all.</p> |
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|            | <u>and unjust evictions.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                 |
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| <b>PXX</b> | <b><u>Tenants' Right to Counsel:</u></b> Support the adoption of a policy and corresponding funding to provide legal representation to every tenant fighting an eviction.                                                                                                                                                                                                                                                                                                                                                              | <u>LU [#].[#]</u> <u>HCIDLA</u> |
|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |
| <b>PXX</b> | <b><u>Tenant Rights:</u></b> Encourage the adoption of stronger anti-tenant harrassment laws and enhanced enforcement of rent stabilizaiton requirements and protections against housing discrimination.                                                                                                                                                                                                                                                                                                                               | <u>LU [#].[#]</u> <u>HCIDLA</u> |
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| <b>PXX</b> | <b><u>RSO Enforcement:</u></b> Establish and designate neighborhood-based RSO Enforcement Specialists with appropriate linguistic and cultural expertise to proactively work with tenants, landlords, and community groups to enhance the habitability and prevent the loss of RSO units in the Plan Area.*                                                                                                                                                                                                                            | <u>LU [#].[#]</u> <u>HCIDLA</u> |
|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |
| <b>PXX</b> | <b><u>Healthy Homes:</u></b> Ensure all appropriate City departments are trained to identify and address environmental hazards, including, but not limited to mold, asbestos, and lead hazards affecting tenants, and develop strategies to prevent and mitigate the negative health impacts of repair or construction work that may release environmental hazards, including providing meaningful relocation assistance at the expense of the property owners, and enforcing tenants' right to return to their repaired rental units. | <u>LU [#].[#]</u> <u>HCIDLA</u> |
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|  | <p><u>targeted tenant protection and affordable housing programs to recover any measured loss in covered units and increase the baseline of affordable units in Downtown.</u></p> <p><u><b>LU [#].[#] Residential Conversion Annual Allowance.</b></u><br/> <u>Residential Conversion Projects, as defined in LAMC Section 12.95.2, shall be denied if the vacancy rate in the Community Plan Area is five percent or less or if the cumulative effect on the rental housing market is significant. In any event, the maximum number of units converted as part of a Residential Conversion Project in the Community Plan Area shall not exceed [XX] per 12-month period.*</u></p> <p><u><b>LU [#].[#] Residential Demolition Permits.</b></u><br/> <u>No permit for residential demolition in the Community Plan Area shall be issued unless all necessary building permits have been issued for new construction on the site.*</u></p> <p><u><b>LU [#].[#] Residential Demolition Annual Allowance.</b></u><br/> <u>The maximum number of residential units demolished in the Community Plan Area shall not exceed [XX] per 12-month period.*</u></p> <p><u><b>LU [#].[#] Preserve Residential Hotels.</b></u><br/> <u>Prevent the conversion or demolition of residential hotels and enforce the rights of residential hotel tenants through additional resources and proactive enforcement of the Residential Hotel Ordinance and the Wiggins Settlement.</u></p> <hr/> <div> <div><b>PXX</b></div> <div> <u><b>DTLA No Net Loss Program:</b> Establish a process to create and monitor an inventory of all units in the Community Plan Area that are covenanted affordable, rent stabilized, and/or occupied by lower-income households. Update and publish the inventory annually. Whenever a loss of covered units is recorded, implement additional tenant protections and affordable housing policies and resources until such time that the loss is recovered.*</u> </div> <div> <div>LU [#].[#]</div> <div>HCIDLA</div> </div> </div> <hr/> <div> <div> <u><b>Housing Stock Monitoring Program:</b> Create a multi-department working group to establish and implement</u> </div> <div> <div>LU [#].[#]</div> <div>HCIDLA</div> </div> </div> | <p>being lost to conversion or demolition.</p> <p>To address this important but often overlooked dimension of our affordable housing crisis, the Plan should include a Goal and corresponding Policies that specifically address preservation of the existing affordable housing stock. These proposed Policies are proven and effective strategies (many are included in other Community Plans like South and Southeast LA), and are necessary to ensure a net gain of affordable units in the Downtown community.</p> |
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|                                                                                               | <p><u><b>PXX</b> a comprehensive monitoring program that will develop an inventory and track changes to the stock of units that are covenanted affordable, rent-stabilized, and/or occupied by lower-income households, as well as trends relating to Ellis Act evictions, condominium conversions, demolitions, tenant buyout agreements, evictions, and other indicators of potential loss of affordable and rent-stabilized housing.*</u></p> <hr/> <p><u><b>PXX</b> <b>Residential Conversion Annual Allowance:</b> Establish and implement monitoring and waitlist procedures to implement an annual allowance of no more than <b>XX</b> residential conversions in the Community Plan Area per 12 month period.*</u></p> <hr/> <p><u><b>PXX</b> <b>Demolitions:</b> Promptly establish and implement monitoring and waitlist procedures to prohibit new residential demolition permits unless and until all necessary building permits have been issued for new construction on the site, and limit the total number of residential demolition permits to no more than <b>XX</b> in any 12 month period.*</u></p> |                                                                                                                                                                                                                                                                                                                          |
| <p><b>(3) Prioritize deeper affordability for residents most at risk of houselessness</b></p> | <p><b>(A) Amend existing draft Goals and Policies relating to affordable housing production to prioritize deeper affordability levels.</b></p> <p><b>LU GOAL 3</b><br/> QUALITY HOUSING OPPORTUNITIES AFFORDABLE TO A VARIETY OF HOUSEHOLDS, <u>PRIORITIZING HOUSING FOR THOSE MOST IN NEED.</u></p> <p>LU 4.2<br/> <del>Find opportunities to Create affordable housing options for middle income and workforce populations—</del> <u>that are affordable to and occupied by lower income persons and families, prioritizing deeper affordability for currently houseless residents and those most at risk of falling into houselessness.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>The current Draft Plan includes Policies that promote housing opportunities to a variety of households, but it doesn't go far enough to prioritize the type of housing we need the most - affordable to very low and extremely low income households.</p> <p>Overall, far more housing is being produced at above</p> |

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|                                                                                                                       | <p><b>(B) Include new policies prioritizing deeper affordability.</b></p> <p><u>LU [#].[#]</u><br/> <u>Incentivize new development to contribute towards the community’s deeply low-, extremely low-, and very low-income housing needs.</u></p> <p><u>LU [#].[#]</u><br/> <u>Utilize public land and funding for the construction of new housing for deeply low-, extremely low-, very low-, and low-income households.</u></p>  | <p>moderate-income levels, and in Downtown in particular, there has been a boom in luxury housing development. Meanwhile, the enormous deficit of affordable housing (over 500,000 units countywide) continues to grow larger. We are facing a crisis of epic proportions and the Plan needs to reflect that reality. Instead of catering to higher-income housing, the Plan must prioritize the deeply affordable housing that our communities so desperately need and that is not otherwise being developed to meet this need.</p> <p>These new and revised Policies will help align the Plan with the realities facing most Downtown residents and more effectively address the larger community’s most pressing needs.</p> |
| <p><b>(4) Promote land trusts and community stewardship to prevent displacement and promote housing stability</b></p> | <p><b>(A) Include new Policies to advance land acquisition by community land trusts and affordable housing developers.</b></p> <p><u>LU [#].[#]</u><br/> <u>Develop strategies to assist community land trusts and affordable housing developers with property acquisition. Coordinate with non-profit developers and community land trusts to take advantage of off-site acquisition options provided under Measure JJJ.</u></p> | <p>The Plan should include more concrete Policies and Programs to further advance the community land trust model. The proposed Policy of developing strategies to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|                                                                                                                | <p><b>(B) Include a new Policy and Program to establish a centralized, accessible database of land transactions.</b></p> <p><u>LU [#].[#]</u><br/> <u>Collect and make public all available information about land sales and property transactions in the Community Plan Area, to the extent possible.</u></p> <hr/> <p><u><b>Land Sales/Property Transactions:</b> Explore options to collect and make information about land sales and property transactions in the Community Plan Area</u><br/> <u><b>PXX</b> more publicly accessible to support opportunities for purchase by affordable housing developers, community-based organizations, or community land trusts, and to enhance communities' access to information regarding changes in their own neighborhoods.</u></p> <hr/> | <p>assist community land trusts and affordable housing developers in land acquisition has been included in other Community Plans like South and Southeast LA.</p> <p>Community land trusts are an important tool to secure community control of gentrifying neighborhoods. Compared with traditional affordable housing models, land trusts allow communities greater flexibility to collectively identify their priorities around unit mix, affordability, and complementary community serving uses - and to adjust those priorities as community needs change over time.</p> |
| <p><b><i>(5) Maximize the utility of public land in creating new affordable and supportive housing</i></b></p> | <p><b>(A) Include a new Goal and corresponding Policies and Programs focused on using public land to produce new affordable and supportive housing.</b></p> <p><u><b>LU GOAL [#]</b></u><br/> <u>THE PRODUCTION OF AFFORDABLE AND SUPPORTIVE HOUSING IS PRIORITIZED ON PUBLIC LAND.</u></p> <p><u><b>LU [#].[#] Public Investment in Affordable Housing</b></u><br/> <u>Utilize public land and funding for the construction of new housing for deeply low-, extremely low-, very low-, and low-income households.</u></p>                                                                                                                                                                                                                                                               | <p>Public land, which is already off the speculative market, is a very important but underutilized asset to confront our affordable housing crisis. The Plan should focus the City's attention on identifying and utilizing appropriate City-owned property to increase affordable housing, minimize displacement, and</p>                                                                                                                                                                                                                                                     |

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|                                                                                                                                                                                        | <p><u>LU [#].[#] Strategic Use of City-Owned Land.</u><br/> <u>Devote City-owned land exclusively to the creation of 100 percent affordable and/or supportive housing projects through below-market or no-cost sale or lease to non-profit developers or community land trusts.</u></p> <p><u>LU [#].[#] Surplus Land.</u><br/> <u>Prioritize the creation of affordable housing by facilitating below-market sale or lease of surplus and other underutilized property to affordable housing developers, or for the creation of new park space where there is a demonstrated need for one or the other, consistent with state law.</u></p> <hr/> <p><u>Surplus Land: Conduct an inventory of publicly-owned land in the Community Plan Area and support efforts to adopt policies to require the re-use of CRA-owned and surplus City-owned property for community uses, prioritizing affordable housing and park space, consistent with the procedures outlined in the state Surplus Land Act.</u></p> <p><u>PXX</u></p> <hr/> <p><u>City-owned Land for Affordable Housing: Restrict the use of City-owned land to housing development that is 100 percent affordable.</u></p> <p><u>PXX</u></p> <hr/> | <p>advance community control of land. This must include proper compliance with the newly amended state Surplus Land Act, but should go even further by restricting all City-owned land for affordable housing at no-cost or below-market prices, with priority on conveying land to support community stewardship and land trust development. The City has adopted similar policies in prior Community Plans like South and Southeast LA.</p> |
| <p><b>(6) Ensure that new development is accountable to community needs and land use incentives are consistent with value capture principles for affordable housing production</b></p> | <p><b>(A) Amend draft Policies related to housing production to ensure consistency with value capture principles and Measure JJJ requirements.</b></p> <p>LU 1.3<br/> Establish an incentive-based zoning system that delivers public benefits such as affordable housing, <u>public parks and</u> open space, historic preservation, <u>resources for people experiencing houselessness, Community Serving Small Businesses,</u> and community facilities to Downtown communities.</p> <p>LU 2.2<br/> Provide incentives and simplify zoning regulations, where possible, to expedite the production of <u>mixed-income and 100% affordable</u> housing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The Draft Plan contemplates an incentive-based zoning system to provide public benefits like affordable housing in new development.</p> <p>Incentive zoning can be an important tool to create inclusive, mixed-income development and increase affordable housing supply. However, to be most effective, these programs</p>                                                                                                               |

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|  | <p>LU 2.3<br/>Expand the areas where housing is permitted to meet projected housing needs, <u>while ensuring the inclusion of on-site affordable housing consistent with value capture principles and Measure JJJ requirements</u>.</p> <p>LU 2.5<br/>Expand the areas where the Adaptive Reuse Ordinance can be utilized <u>with the inclusion of on-site affordable housing</u>.</p> <p>LU 2.6<br/>Develop further incentives and simplify zoning regulations to expedite the rehabilitation and conversion of historic buildings into a variety of housing types <u>with on-site affordability</u>, including live/work units, micro-units/SROs, and multi-bedroom units for families in order to support a range of household types.</p> <p>LU 3.4<br/>Disaggregate the cost of parking from the cost of housing and eliminate residential parking requirements to allow flexibility and create better affordability at all levels, <u>with on-site affordable housing standards to avoid undermining State Density Bonus Law, the TOC Program, or other affordable housing incentive programs.*</u></p> <p>LU 4.3<br/>Promote, <u>through requirements and incentives</u>, shared on-site amenities, including <del>usable</del> <u>publicly accessible</u> open space in new development projects</p> <p><b>(B) Add new Policies and Programs to ensure housing incentives are aligned with on-site affordability standards.</b></p> <p><u>LU [#].[#]<br/>Ensure that all land use incentives are aligned with on-site affordable housing standards that meet or exceed the standards in Measure JJJ and the TOC Program.*</u></p> <p><u>LU [#].[#]<br/>Incentivize new development to contribute towards the community's deeply low-, extremely low-, and very low-income housing needs.</u></p> | <p>must be grounded in value capture principles and carefully crafted to not undermine other programs. Specifically, the Plan's incentive programs (as outlined in the zoning standards, CPIO, and Community Benefits Program) need to align density increases with meaningful on-site affordability.</p> <p>The incentives must not undermine Measure JJJ, the TOC program, State Density Bonus Law, or other programs by offering more density in exchange for less affordability. In fact, Measure JJJ explicitly prohibits the City from approving changes to a Community Plan that would reduce the capacity for creation and preservation of affordable housing and access to local jobs, or undermine the state density bonus or other affordable housing incentive programs. Any zone change that increases the base FAR without affordability requirements, or any incentive structure that</p> |
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|  | <p><u><b>Vacancy Penalty:</b> Support the adoption of a vacant homes penalty assessed on sites with vacant residential and commercial units; prioritize the use of revenue for the creation and preservation of deeply affordable housing, including supportive housing and land acquisition by community land trusts.*</u></p> <hr/> <p><b>(C) Add a new Goal and corresponding Policies to ensure new development is responsive to community needs.</b></p> <p><b><u>LU GOAL [#]</u></b><br/> <u>RESIDENTIAL DEVELOPMENT SUPPORTS THE DIVERSE HOUSING NEEDS OF LOW-INCOME DOWNTOWN RESIDENTS</u></p> <p><u>LU [#].[#]</u><br/> <u>Promote the development of affordable family housing, both rental and ownership, with three or more bedrooms to accommodate larger households and multigenerational living.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage larger housing developments to incorporate a mix of units that include designs that accommodate families, independent adults, seniors, and persons with disabilities.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage amenities for children, such as outdoor play areas and childcare facilities, in multifamily housing developments.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage accessibility and amenities for seniors in multifamily housing developments.</u></p> | <p>grants more density for less affordability than the TOC program would violate this provision.</p> <p>Incentives should also be carefully designed to encourage affordable housing that meets community needs, such as housing for seniors, families with children, and persons with disabilities. Promoting the development of housing for these groups would be consistent with the City's duties to affirmatively further fair housing under AB 686 (adopted in 2018).</p> |
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| <p><b>(7) Promote and prioritize development of supportive and 100% affordable housing projects</b></p>                                            | <p><b>(A) Include new Policies and Programs focused on promoting supportive housing development.</b></p> <p><u>LU [#].[#]</u><br/> <u>Prioritize the development of permanent supportive housing.</u></p> <hr/> <p><b><u>Remove Obstacles to Permanent Supportive Housing:</u></b> <u>Identify and eliminate barriers to the funding, approval, and development of permanent supportive housing.</u> <u>LU [#].[#]</u></p> <hr/> <p><b><u>Innovative Models to Increase Permanent Supportive Housing on Public Land:</u></b> <u>Identify and implement innovative strategies to decrease costs and increase the stock of permanent supportive housing units on City-owned land.</u> <u>LU [#].[#]</u></p> <hr/> <p><b><u>Innovative Models to Increase Permanent Supportive Housing on Public Land:</u></b> <u>Identify and implement innovative strategies to decrease costs and increase the stock of permanent supportive housing units on City-owned land.</u> <u>LU [#].[#]</u></p> <hr/> | <p>LU 2.4 and LU 29.7 are the only goals in the Draft Plan that aim to “encourage” the development of permanent supportive housing (PSH), and those goals address the development of PSH in tandem with the development of other types of housing. Given that Downtown is home to Skid Row and thousands of houseless residents, the Plan should include Policies and Programs that more explicitly and specifically prioritize the development of PSH.</p> |
| <p><b>(8) Advance a comprehensive strategy to support houseless Downtown residents by increasing access to services and affordable housing</b></p> | <p><b>(B) Include a new Goal and corresponding Policies and Programs focused on supporting houseless residents and improving access to supportive and affordable housing.</b></p> <p><b><u>LU GOAL [#]</u></b><br/> <u>HOUSELESS RESIDENTS ARE TREATED WITH DIGNITY AND RESPECT AND HAVE ACCESS TO NECESSARY SERVICES.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>LA’s houselessness crisis is unprecedented and devastating, and in many ways, Downtown is the epicenter.</p> <p>Any Downtown Community Plan that is developed and adopted in the midst of this</p>                                                                                                                                                                                                                                                       |

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| <p><b>and preventing unjust criminalization</b></p> | <p><u>LU [#].[#]</u><br/> <u>Prevent criminalization of houseless residents and eliminate hostile architecture and design, and other tactics that impede houseless residents' ability to rest.</u></p> <p><u>LU [#].[#]</u><br/> <u>Create new public health infrastructure, such as rest stops with hygiene services like showers, restrooms, and cold drinking water, along with social service outreach, at sites that are linked to social spaces like parks, community centers, and transit stops.*</u></p> <p><u>LU [#].[#]</u><br/> <u>Ensure that transit stops do not include hostile architecture or design that impedes houseless residents' ability to rest.</u></p> <p><u>LU [#].[#]</u><br/> <u>Support efforts to increase funding for new social services sites that are linked to public social spaces like parks, community centers, and transit stops.</u></p> <p><b><u>LU GOAL [#]</u></b><br/> <b><u>HOUSELESS RESIDENTS HAVE ACCESS TO SAFE, AFFORDABLE HOUSING AND SERVICES.</u></b></p> <p><u>LU [#].[#]</u><br/> <u>Ensure no net loss of affordable housing units by creating, monitoring, and updating an inventory of all units that are covenanted affordable, rent-stabilized, or occupied by lower-income households, including units not covered by the Wiggins Settlement or the City Residential Hotel Ordinance, and take steps to maintain and exceed this baseline in the Community Plan Area.</u></p> <p><u>LU [#].[#] Preserve Residential Hotels.</u><br/> <u>Prevent the conversion or demolition of residential hotels and enforce the rights of residential hotel tenants through additional resources and proactive enforcement of the Residential Hotel Ordinance and Wiggins Settlement.</u></p> <p><u>LU [#].[#]</u><br/> <u>Prioritize and expedite the development of permanent supportive housing and affordable housing at deeply affordable rents.</u></p> | <p>crisis must acknowledge the problem directly and focus on a transformative response.</p> <p>Simply referencing houselessness throughout the Plan is not sufficient. The Plan needs a specific Goal devoted to confronting the crisis and supporting houseless residents, with corresponding Policies and Programs that ensure that houseless residents are treated with compassion, human rights are upheld, and significant resources and programming is devoted to increasing access to services and housing.</p> |
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|                                                     | <p><b><u>Decriminalization:</u></b> Create and implement a strategy <u>LU [#].[#]</u> to end the criminalization of houselessness and divert <b>PXX</b> criminal enforcement spending to instead support increased access to public health infrastructure, quality healthcare, social services, and affordable and supportive housing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| ECONOMIC DEVELOPMENT                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Recommendation                                      | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (1) <i>Enhance quality employment opportunities</i> | <p><b>(A) Amend draft Policy 8.1 and include a new Policy and Program to promote targeted employment opportunities for individuals facing barriers to employment.</b></p> <p>LU 8.1 Improve economic opportunity through local <u>and targeted</u> hiring, living wage provisions, job resource centers and job training, and supporting workforce development programs and partnerships.</p> <p><u>LU [#].[#]</u><br/> <u>Create opportunities for individuals facing barriers to employment, including but not limited to being houseless; being a custodial single parent; receiving public assistance; lacking a GED or high school diploma; having a criminal record or other involvement with the criminal justice system; suffering from chronic unemployment; being emancipated from the foster care system; having limited English proficiency, or being a veteran.</u></p> | <p>With new development in Downtown, there will certainly be new employment opportunities. However, those new employment opportunities will not necessarily be available to the low-income and immigrant residents in our neighborhoods. Many of the residents of Chinatown, Little Tokyo and Skid Row face additional barriers to employment - they may be houseless, have a criminal record or have limited English proficiency.</p> <p>Additionally, the pressures of gentrification are already causing small businesses in our neighborhoods to close, which are some of the primary employers in our communities. Without protections, this loss of jobs will only accelerate as new development takes place,</p> |
|                                                     | <p><b><u>Local Hiring:</u></b> Encourage businesses to hire locally, <u>LU [#].[#]</u> and require local hiring for discretionary projects with <b>PXX</b> Development Agreements to the extent feasible. Local hiring programs should include opportunities for individuals facing barriers to employment including but not limited to being houseless; being a custodial single parent; receiving public assistance; lacking a GED or high school diploma; having a criminal record or other involvement with the criminal justice system; suffering from chronic unemployment; being emancipated from the foster care system; having limited English proficiency, or being a veteran.</p>                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  | <div data-bbox="472 142 1558 381"> <p><b>Living Wage Program:</b> Explore the possibility of including a Living Wage Program in the zoning code that would include requirements that employers hire locally and from disadvantaged populations, and pay living wages, so that local residents have an opportunity to access some of the benefits resulting from major development projects.</p> </div> <div data-bbox="1226 147 1335 178"> <p>LU [#].[#]</p> </div> <div data-bbox="472 214 533 245"> <p>PXX</p> </div> <hr/> <div data-bbox="491 456 1558 565"> <p><b>(B) Add a new Goal and corresponding Policies and Programs to ensure that housing and economic development strategies are aligned to promote opportunities for lower-income residents to live and work Downtown.</b></p> </div> <div data-bbox="445 605 621 636"> <p><b>LU GOAL [#]</b></p> </div> <div data-bbox="445 641 1522 709"> <p><u>AN ECONOMY WHERE THE PEOPLE WHO WORK DOWNTOWN CAN ALSO LIVE DOWNTOWN</u></p> </div> <div data-bbox="445 751 562 782"> <p>LU [#].[#]</p> </div> <div data-bbox="445 787 1568 896"> <p><u>Promote a jobs-housing fit, where housing is available at rents affordable to low-wage Downtown workers, enabling workers to have stable housing, increased job security, and shorter commutes.</u></p> </div> <div data-bbox="445 937 562 967"> <p>LU [#].[#]</p> </div> <div data-bbox="445 972 1497 1040"> <p><u>Include incentives for local and targeted hiring for construction jobs in affordable housing incentive programs.</u></p> </div> <div data-bbox="445 1083 562 1114"> <p>LU [#].[#]</p> </div> <div data-bbox="445 1118 1589 1227"> <p><u>Evaluate the impacts of new development on local economic development, including commitments to local and targeted hiring, living wages, local procurement, and impacts on Community Serving Small Businesses.</u></p> </div> <div data-bbox="472 1279 1190 1442"> <p><b>Jobs-Housing Fit:</b> Determine the number of low-wage workers and the amount of housing affordable to such workers in the Community Plan Area. Explore policies to improve the job-housing fit to reduce commute times for low-wage workers.</p> </div> <div data-bbox="1226 1279 1335 1310"> <p>LU [#].[#]</p> </div> <div data-bbox="472 1346 533 1377"> <p>PXX</p> </div> | <p>rents rise, and small businesses are displaced.</p> <p>The Plan needs to do more to ensure that the low-income residents of Downtown are able to benefit from any employment opportunities that will result from the Plan. The Plan can accomplish this by creating Policies and Programs that encourage local <i>and targeted</i> hiring and living wage opportunities as well as promote employment opportunities for those facing barriers to employment. Similar policies have been adopted by the City in previous Community Plans, such as in South and Southeast LA.</p> |
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| <p><b>(2) Promote inclusive entrepreneurship</b></p> | <p><b>(A) Define Community Serving Small Business.</b></p> <div data-bbox="445 170 1606 532"> <p><b><u>Community Serving Small Business</u></b></p> <p><u>A privately-owned corporation, cooperative, non-profit, social enterprise or other entity that serves the local neighborhood by employing local residents or providing culturally appropriate and/or needed goods or services for a mixed-income community and meets at least three of the following four standards: (a) has no more than twenty-five employees/shareholders; (b) is not franchised or affiliated with a national chain; (c) pays all employees a living wage; (d) has been operating in the Community Plan Area for at least 15 years.</u></p> </div> <p><b>(B) Amend existing draft Policies and Programs to protect and promote Community Serving Small Businesses and microentrepreneurs.</b></p> <p>LU 7.1<br/>Ensure Downtown’s built environment welcomes a range of industry and business types as market needs evolve over time, <u>while preventing the displacement of existing Community Serving Small Businesses.</u></p> <p>LU 8.7<br/>Support street vending <u>through technical assistance, access to capital, inclusive design standards, and affordable and accessible permitting procedures</u> to increase access to economic opportunity and healthy food, and reinforce Downtown’s active street life.</p> <p><b>(C) Include new Policies and Programs to protect and promote Community Serving Small Businesses and microentrepreneurs.</b></p> <p><u>LU [#].[#]<br/>Encourage Mixed-Use and Commercial developments to provide retail spaces appropriate for Community Serving Small Businesses.</u></p> <p><u>LU [#].[#]<br/>Incentivize Mixed-Use and Commercial developments to provide long-term leases and reduced rent to Community Serving Small Businesses.</u></p> | <p>The Downtown Community Plan Area is rich with small businesses that have long served and contributed to the unique identities of existing communities like Chinatown and Little Tokyo. These businesses are also some of the primary employers in our neighborhoods. However, we are already seeing the displacement of these community-serving small businesses due to rising rents and gentrification. As the Plan incentivizes more development in our neighborhoods, we fear that even more of these businesses will be lost.</p> <p>The Plan must do more to preserve and promote community-serving small businesses that have contributed so much to the economy and development of Downtown, but are often excluded from opportunities in traditional development. First, the Plan should include a definition of “Community Serving Small Business.” In addition, the Plan should include Policies and Programs to protect</p> |
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|  | <p><u>LU [#].[#]</u><br/>Prevent the displacement of Community Serving Small Businesses as a result of new development.</p> <p><u>LU [#].[#]</u><br/>Increase opportunities for Community Serving Small Businesses and social enterprises to secure procurement contracts from new development projects.</p> <p><u>LU [#].[#]</u><br/>Increase opportunities and resources for low-income microentrepreneurs to establish business enterprises and contribute to the Downtown economy.</p> <p><u>LU [#].[#]</u><br/>Create and implement programs that support low-income entrepreneurs and Community Serving Small Businesses with technical assistance such as signage and facade design, lease review, business development, and legal services.</p> <p><u>LU [#].[#]</u><br/>Encourage the development of new commissaries and commercial kitchens, as a new or accessory use, to support low-income street vendors in accessing permits and sustaining their business.</p> <p><u>LU [#].[#]</u><br/>Protect existing markets and swap meets that provide low-income entrepreneurship opportunities and offer affordable and/or culturally significant retail opportunities.</p> <p><u>LU [#].[#]</u><br/>Encourage the development of a City subsidy program that allows for a reduced or below market rate rent for Community Serving Small Businesses.</p> <hr/> <p><b>Community serving retail space:</b> Identify resources <u>LU [#].[#]</u> and strategies to incentivize or require Mixed-Use and <b>PXX</b> Commercial developments to provide retail space that is appropriate for Community Serving Small Businesses.</p> <hr/> | <p>and promote Community Serving Small Businesses and microentrepreneurs, such as street vendors. Many of these policies and programs were adopted as part of the South and Southeast LA Community Plans, and are proven models and best practices.</p> <p>These efforts can bolster the small business economy, create and sustain jobs in Downtown, and keep local capital in the community.</p> |
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|  | <div> <div> <div><b>Promote Community Serving Small Businesses:</b></div> <div> <div><b>PXX</b></div> <div> Create and fund programs to promote Community Serving Small Businesses, including highlighting businesses in City publications, free advertising on City-owned properties, and grants for advertising support. </div> </div> </div> <div> <div>LU [#].[#]</div> </div> </div> <div> <div> <div><b>Increase Resources for Local Entrepreneurs and Small Businesses:</b></div> <div> <div><b>PXX</b></div> <div> Increase the availability of resources to finance small business startup/ expansion for local entrepreneurs committed to benefitting the local community. Explore and enhance resources to finance development that is committed to leasing to local and less credit-ready small businesses. </div> </div> </div> <div> <div>LU [#].[#]</div> </div> </div> <div> <div> <div><b>Long-Term Commercial Leases:</b></div> <div> <div><b>PXX</b></div> <div> Identify strategies to promote and enhance the availability of long-term commercial leases for Community Serving Small Businesses, including subsidy programs for rent. </div> </div> </div> <div> <div>LU [#].[#]</div> </div> </div> <div> <div> <div><b>Procurement:</b></div> <div> <div><b>PXX</b></div> <div> Identify strategies to increase opportunities for Community Serving Small Businesses and social enterprises to secure procurement contracts from new development projects. </div> </div> </div> <div> <div>LU [#].[#]</div> </div> </div> <div> <div> <div><b>Encourage Community Serving Small Businesses:</b></div> <div> <div><b>PXX</b></div> <div> Develop an incentive and subsidy program to provide below-market rent to Community Serving Small Businesses, prioritizing businesses owned by lower-income or moderate-income residents. </div> </div> </div> <div> <div>LU [#].[#]</div> </div> </div> |  |
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|                                                                          | <p><b><u>Commissaries and Commercial Kitchens:</u></b> Study <u>LU [#].[#]</u> and develop new strategies to increase the availability of commissary and commercial kitchen space for low-income sidewalk vendors, including incentives for new commissaries and by-right approval of commissaries as an accessory use at existing schools, restaurants and churches.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>(3) Ensure inclusive and culturally relevant economic development</b> | <p><b>(A) Amend existing draft Policies and Programs to ensure inclusive and culturally relevant economic development.</b></p> <p>LU 5.4<br/> <del>Support efforts to expand Convention Center business and position the City to host world class events like the Olympic Games.</del> <u>End criminalization of poverty and prioritize affordable and supportive housing and services in order to prevent economic development-induced displacement.</u></p> <p><b>LU GOAL 6</b><br/> A CENTER OF WORLD-CLASS INNOVATION, ENTREPRENEURSHIP, AND NEW MARKETS <u>THAT REFLECT AND STRENGTHEN THE CULTURAL DIVERSITY OF DOWNTOWN.</u></p> <p><u>LU [#].[#]</u><br/> <u>Increase the availability and affordability of art production and exhibition space for community-based artists to strengthen arts and cultural assets Downtown.</u></p> <p><u>LU [#].[#]</u><br/> <u>Enable community ownership of creative space, including incubators, studio space, and art production and exhibition space.</u></p> <p><b>(B) Include new Policies and Programs to ensure inclusive and equitable economic development.</b></p> <p><u>LU [#].[#]</u><br/> <u>Ensure that new commercial development creates quality employment opportunities for local workers and does not displace housing or existing small businesses.</u></p> | <p>Economic development policy in Downtown should not just focus on attracting business and private investments. It should also be inclusive and reflect the existing cultural diversity of Downtown, which is what has made it attractive for development in the first place.</p> <p>There is a risk with all new economic development for the displacement of existing communities. Chinatown, Little Tokyo and Skid Row are particularly vulnerable and ripe for this economic development-induced displacement.</p> <p>Therefore, within its economic development goals, the Plan must explicitly include Policies and Programs to ensure that economic development</p> |

|                                                        | <p><b>Equity in Opportunity Zones:</b> Develop and <u>LU [#].[#]</u> implement policies, including but not limited to <b>PXX</b> <u>overlay zones, affordable housing requirements, and funding restrictions, to ensure that any Opportunity Zone investments in Los Angeles do not displace low-income residents or small businesses and are accountable to the low-income neighborhoods they are intended to benefit.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | does not displace existing residents and small businesses and that economic development actually benefits low-income residents.                                                                                                                                                                                                            |
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| URBAN FORM                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                            |
| Recommendation                                         | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Notes                                                                                                                                                                                                                                                                                                                                      |
| (1) Ensure inclusive and equitable urban form          | <p><b>(A) Amend existing policies to integrate anti-displacement principles into urban form and design.</b></p> <p>LU 9.1<br/>Strategically concentrate the highest densities and intensities within the Community Plan Area to respond to historic development patterns and match infrastructure investment, <u>while avoiding displacement of low-income residents and businesses.</u></p> <p>LU 9.2<br/>Reinforce the distinct qualities of each neighborhood, and ensure that growth <u>avoids displacement, meets community needs, and</u> complements and is compatible with existing character and historic resources.</p> <p><b>(B) Add a new Policy to prohibit hostile architecture.</b></p> <p><u>LU [#].[#]</u><br/><u>Prohibit hostile architecture and other urban design elements that exclude, intimidate, or prevent inclusive and equitable use of public space.</u></p> | Policies concerning the urban form of Downtown should not just be about following existing patterns of development. The Plan should affirmatively include anti-displacement principles as well. Simply following historic development patterns will not do anything to address the displacement of existing communities and neighborhoods. |
| HISTORIC AND CULTURAL RESOURCES                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                            |
| Recommendation                                         | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Notes                                                                                                                                                                                                                                                                                                                                      |
| (1) Center low-income communities in the promotion and | <p><b>(A) Amend existing draft Policy to ensure adaptive reuse does not result in displacement.</b></p> <p>LU 12.2<br/>Incentivize the preservation, rehabilitation, and adaptive reuse of one of the largest and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Preservation of historic resources is important. However, such efforts should be undertaken without displacing existing                                                                                                                                                                                                                    |

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| <p><b>preservation of cultural resources</b></p> | <p>most distinguished stock of historic buildings in the United States for a variety of uses <u>without displacing low-income residents and businesses.</u></p> <p><b>(B) Add new Policies to promote low-income community engagement and involvement in historic and cultural resource programming.</b></p> <p><u>LU [#].[#]</u><br/> <u>Forge partnerships with community-based organizations to advance cultural resource preservation efforts in the community through educational and informational programs.</u></p> <p><u>LU [#].[#]</u><br/> <u>Support efforts to preserve and restore the rich inventory of culturally significant murals and public art found throughout Downtown’s neighborhoods.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage public art and murals by local artists to animate blank building surfaces along alleyways and side streets.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage new development to incorporate culturally relevant and community-driven public art along building facades and in outdoor areas.</u></p> <p><u>LU [#].[#]</u><br/> <u>Prioritize grants and other support to low-income local artists when commissioning artwork for both the public realm and private projects.*</u></p> <p><u>LU [#].[#]</u><br/> <u>Ensure meaningful community participation and active input in cultural preservation and cultural resource decisions.</u></p> <p><u>LU [#].[#]</u><br/> <u>Partner with community-based organizations and local residents to identify and protect informal cultural resources and assets.</u></p> | <p>low-income and immigrant communities and businesses who have contributed to the richness of Downtown’s historic and cultural fabric.</p> <p>In addition, the Plan needs to say more about cultural resource preservation. In particular, engaging low-income communities, who have activated neighborhoods through cultural programming, is key to ensuring cultural resource preservation.</p> |
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|  | <p><u>LU [#].[#]</u><br/> <u>Support community-led efforts to develop new cultural programs, events, signage, festivals, public art and other programs to uplift cultural resources in Downtown’s distinct neighborhoods.</u></p> <p><u>LU [#].[#]</u><br/> <u>Involve students and youth in cultural preservation and programming.</u></p> <hr/> <p><b>Preserve Cultural Resources:</b> <u>Work with residents and community-based organizations to inventory cultural resources, including cultural institutions and culturally significant murals and public art, and explore strategies to preserve these resources.</u> <u>LU [#].[#]</u></p> <p><b>PXX</b></p> |  |
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| WELLNESS AND SUSTAINABILITY  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Recommendation               | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (1) Enhance community health | <p><b>(A) Amend existing draft policies to strengthen health and wellness outcomes.</b></p> <p>LU 15.3<br/> Create a network of <u>well-maintained</u> public and private green infrastructure by incentivizing the use of trees, eco roofs, vertical gardens, stormwater facilities, and landscaped amenity areas.</p> <p>LU 15.4<br/> Facilitate access to affordable, healthy, and fresh food for all Downtown residents, <u>including houseless residents.</u></p> <p>LU 16.7<br/> Reduce the urban heat island effect by installing <u>shade trees to increase tree canopy.</u> cool pavement, and cool roofs throughout Downtown.</p> <p>LU 17.4<br/> Provide <u>Identify currently underutilized</u> space for recreational facilities for the health and enjoyment of Downtown workers, residents, and visitors.</p> | <p>Low-income communities are more likely to have worse health outcomes and disproportionately bear the burden of climate change. For example, displacement has been tied to negative health consequences for communities. In addition, low-income communities that are park-poor and have less green infrastructure investment are also more likely to acutely feel the effects of extreme weather events due to climate change.</p> <p>Therefore, Policies and Programs aimed at strengthening public health</p> |

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|  | <p>LU 17.5<br/>Encourage trees and architectural elements that provide shade for pedestrians, <u>as well as seating areas and cooling stations</u>, along primary corridors in Downtown.</p> <p><b>(B) Add new Policies to strengthen community health.</b></p> <p><u>LU [#].[#]<br/>Prevent the negative health consequences of displacement by promoting equitable development, tenant protections, and support for Community Serving Small Businesses, consistent with the City's Plan for Healthy Los Angeles and the Sustainable City pLAn.</u></p> <p><u>LU [#].[#]<br/>Support operations and maintenance for newly created public spaces as well as existing public spaces to promote long term use and success.</u></p> <p><u>LU [#].[#]<br/>Encourage new healthy food retail and incentivize businesses to accept EBT for fresh produce.</u></p> <p><u>LU [#].[#]<br/>Support Community Serving Small Businesses to sell affordable fresh and culturally relevant food.*</u></p> <p><u>LU [#].[#]<br/>Designate areas and buildings as resiliency centers for use during future climate events including exceptionally hot and cold days, and extreme rainfalls.*</u></p> <p><u>LU [#].[#]<br/>Encourage and support community health education programs.</u></p> <p><u>LU [#].[#]<br/>Encourage and support new recreational spaces and facilities catering to youth and seniors.</u></p> | <p>in the Plan should include more to target community health in low-income communities like Chinatown, Little Tokyo and Skid Row.</p> |
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|                                                             | <p><u>LU [#].[#]</u><br/> <u>Support new and preserve existing community-run open air markets, community gardens, and other gathering spaces.</u></p> <p><u>LU [#].[#]</u><br/> <u>Respect the right to rest and prevent criminalization in public spaces.*</u></p> <hr/> <p><b>Resiliency Centers:</b> Designate areas and buildings as <u>LU [#].[#]</u><br/> <u>resiliency centers for use during future climate events,</u><br/> <b>PXX</b> <u>including exceptionally hot and cold days, and</u><br/> <u>extreme rainfalls. Ensure that designated resiliency</u><br/> <u>centers are easily accessible to houseless and senior</u><br/> <u>residents, and other residents at risk during climate</u><br/> <u>events.*</u></p>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| DOWNTOWN PLACES                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Recommendation                                              | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (1) Ensure equitable development in the <i>Transit Core</i> | <p><b>(A) Amend existing policies to integrate displacement avoidance and inclusive development principles.</b></p> <p>LU 18.1<br/> Implement zoning regulations that allow the greatest intensity and density of uses <u>with on-site affordable housing standards</u>; eliminate barriers and create incentives that ensure maximum <u>affordable and mixed-income</u> development potential near transit investment and regional attractions.</p> <p>LU 19.2<br/> Prioritize space for employment, retail, and entertainment uses, supported by an enhanced public realm, to attract and sustain workers. Expand the range of incentives to facilitate the adaptive reuse of existing structures into commercial and hotel uses, <u>while preventing the loss of SROs and other existing affordable housing stock and avoiding the displacement of low-income residents.</u></p> <p>LU 20.1<br/> Encourage the development <u>and preservation</u> of sustainable and complete neighborhoods, where workers and residents have safe and convenient access to jobs,</p> | <p>Anti-displacement and affordable housing policies should not just be limited to low-income neighborhoods. Policies affecting the <i>Transit Core</i> area should include stronger affordability and displacement language to ensure that future growth across Downtown is more equitable and inclusive.</p> <p>The <i>Transit Core</i> area includes the greatest concentration of public transit investment anywhere in the City, including multiple light and heavy rail line stations and dozens of bus stops. Equitable</p> |

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|                                                                               | <p>open space, commercial services, and amenities.</p> <p>LU 20.2</p> <p>Create a range of housing options that supports a diversity of housing needs and affordability levels, in a manner that contributes to a resilient community. <u>Prioritize housing options for the lowest income levels to prevent houselessness and contribute to a resilient community.</u></p> <p><b>(B) Add new Policies under current LU GOAL 20 to integrate displacement avoidance and inclusive development principles.</b></p> <p><u>LU [#].[#]</u><br/><u>New development should avoid the displacement of current residents.</u></p> <p><u>LU [#].[#]</u><br/><u>Incentivize new development to contribute towards the community's deeply low-, extremely low-, and very low-income housing needs.</u></p> <p><u>LU [#].[#]</u><br/><u>Establish and monitor an inventory of existing units that are covenanted affordable, rent-stabilized, or occupied by lower-income households in Downtown and implement targeted tenant protection and affordable housing programs to recover any measured loss in covered units.*</u></p> <p><u>LU [#].[#]</u><br/><u>Create a "Special Vending District" that enables safe, regulated sidewalk vending at and near the Staples Center.*</u></p> | <p>development policies are essential to prevent the displacement of current riders by market-rate development and leverage these investments to benefit the residents of new affordable housing units.</p>                        |
| <p><b>(2) Ensure equitable development in the <i>Traditional Core</i></b></p> | <p><b>(A) Add new Policies to integrate displacement avoidance and inclusive development principles.</b></p> <p><u>LU [#].[#]</u><br/><u>New development should avoid the displacement of current residents.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Anti-displacement and affordable housing policies should not be limited to low-income neighborhoods. Policies affecting the <i>Traditional Core</i> area should include stronger affordability and displacement language to</p> |

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|                                                                        | <p><u>LU [#].[#]</u><br/> <u>Incentivize new development to contribute towards the community's deeply low-, extremely low-, and very low-income housing needs.</u></p> <p><u>LU [#].[#]</u><br/> <u>Establish and monitor an inventory of existing units that are covenanted affordable, rent-stabilized, or occupied by lower-income households in Downtown and implement targeted tenant protection and affordable housing programs to recover any measured loss in covered units.*</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>ensure that future growth across Downtown is more equitable and inclusive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>(3) Ensure equitable development in the Community Center</b></p> | <p><b>(A) Amend existing draft Policies to incentivize community benefits in new development.</b></p> <p>LU 27.1<br/> Foster a wide range of <u>community serving</u> commercial uses.</p> <p>LU 28.1<br/> Promote <u>Incentivize</u> services and amenities embedded within residential development, such as healthy, affordable, <u>and culturally relevant</u> food options; childcare facilities; and neighborhood serving uses.</p> <p>LU 28.2<br/> Encourage <u>Incentivize</u> mixed-income <u>and deeply affordable</u> housing in close proximity to transit, jobs, amenities, and services.</p> <p><b>(B) Amend existing draft Policies to prioritize deeply affordable housing in Skid Row.</b></p> <p>LU 29.6<br/> Foster a mix of uses that contribute to a livable community that prioritizes <u>deeply affordable</u> housing <del>at all levels of affordability</del>, employment opportunities, daily amenity and service needs, educational and vocational facilities, as well as a variety of public gathering spaces.</p> <p>LU 29.7<br/> Encourage the creation of a range of <u>deeply affordable</u> housing options, including social</p> | <p>Skid Row has the highest concentration of houseless residents in the country. The Downtown Community Plan must include more Policies directly addressing the needs of houseless residents and ensuring the affordability and stability of the neighborhood.</p> <p>Policies that affect Skid Row should prioritize deeply affordable housing more explicitly because residents of that neighborhood are most in need of the deepest levels of affordable housing. Any new residential development in Skid Row should be required to be 100% affordable to Low-, Very Low-, Extremely Low-, or Deeply Low-Income households.</p> |

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|  | <p>service housing, permanent supportive housing, <u>and</u> a full spectrum of affordable housing, <del>and workforce housing</del>.</p> <p>LU 29.8<br/>Promote a variety of <u>deeply affordable</u> housing options for the diversity of the Skid Row community, including families, veterans, seniors, women, local workers, and those who benefit from and need access to the area's supportive services.</p> <p><b>(C) Amend existing draft Policies to strengthen Skid Row assets and prevent policy and design standards that harm extremely low-income and houseless residents.</b></p> <p>LU 29.9<br/>Enhance the public realm, with safe and inviting streets, pathways, and a variety of publicly accessible open spaces for recreation, rest, gathering, and access to public restrooms. <u>Avoid criminalizing poverty and privatizing public space.</u></p> <p>LU 29.11<br/><u>Coordinate with neighborhood residents</u> to provide <u>culturally and neighborhood relevant opportunities</u> for daytime activities in the neighborhood with recreational centers, libraries, and managed open spaces with engaging programming.</p> <p>LU 29.14<br/>Target San Pedro, 3rd, 4th, 5th, 6th, and 7th Streets for improvements to increase safety, connectivity, and access. <u>Prioritize safe, welcoming and inclusive design and prevent hostile architecture and exclusionary design.</u></p> <p>LU 29.15<br/><del>Support the efforts of City, State, and Federal agencies and local institutions to promote a safe, clean, and habitable environment for Skid Row residents</del> <u>Devote resources and programmatic support for increased services in Skid Row and avoid confiscation or destruction of personal belongings.</u></p> <p>LU 29.16<br/>Recognize the significant role that San Julian Park and Gladys Park serve as public realm</p> | <p>These new and revised Policies will support the Skid Row community by prioritizing deeply affordable housing, promoting and protecting cultural resources, and preventing policy and design standards from harming extremely low-income and houseless residents through the unjust privatization of public space, criminalization of poverty, and confiscation or destruction of personal belongings.</p> <p>These Policies were developed by Skid Row stakeholders and community based organizations in collaboration with Skid Row residents over the course of several years and hundreds of meetings.</p> |
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assets and symbols of local history. Support efforts to memorialize such assets and sustain their presence in the community through on-going and effective maintenance and fully funded community programs and services.

LU 29.17

Promote public spaces that allow people to gather, recreate, and hold festivals that showcase the history and artistic expression of the Skid Row community. Waive permit fees, streamline permit application process, and coordinate with Skid Row community-based organizations to plan and promote festivals, street performances, and community events in Skid Row parks and public spaces.

**(D) Add new Policies and Programs to ensure inclusive and accountable community development in Skid Row.**

LU [#].[#]

Prevent the conversion or demolition of residential hotels and enforce the rights of residential hotel tenants through additional resources and proactive enforcement of the Wiggins Settlement.\*

LU [#].[#]

Require all new housing development in Skid Row to be 100% affordable to Low-, Very Low-, Extremely Low-, or Deeply Low-Income households.\*

LU [#].[#]

New development in Community Center neighborhoods should avoid the displacement of current low-income residents.

LU [#].[#]

Prevent displacement and enhance tenant protections and rent stabilization enforcement in Skid Row.

LU [#].[#]

Create new social services sites that are linked to public social spaces like parks, community centers, and transit stops.

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|  | <p><u>LU [#].[#]</u><br/> <u>Adjust the timing on crosswalks and street lights to address the needs of disabled and elderly neighborhood residents and to ensure better access to and from social services sites.*</u></p> <p><u>LU [#].[#]</u><br/> <u>Upgrade lighting, signage, and crosswalks, and introduce speed humps on the numbered streets in Skid Row.*</u></p> <p><u>LU [#].[#]</u><br/> <u>Work with Skid Row residents and community-based organizations to establish a bike infrastructure plan to ensure zero traffic fatalities.</u></p> <p><u>LU [#].[#]</u><br/> <u>Promote new community amenities that prioritize increased access to water, sanitation, green space and community gardening space.</u></p> <p><u>LU [#].[#]</u><br/> <u>Provide 24-hour restroom access and frequent upkeep in all Skid Row parks.</u></p> <p><u>LU [#].[#]</u><br/> <u>Employ Skid Row residents to conduct bulky item pick-ups and street sweeping to prevent trauma associated with a history of confiscation and destruction of vital personal property such as medicines, identification and shelter.</u></p> <p><u>LU [#].[#]</u><br/> <u>Ensure that City funding for arts and culture programming and staffing is proportionally allocated to Skid Row.*</u></p> <p><u>LU [#].[#]</u><br/> <u>Support community arts organizations that help support Skid Row artists and locate resources for opportunities to create art, including live music and theatre.</u></p> <p><u>LU [#].[#]</u><br/> <u>Support sidewalk vending as a means to enhance the public realm, create entrepreneurship and economic mobility opportunities, and provide affordable retail in the Skid Row community.</u></p> |  |
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|                                                                              | <p><u>LU [#].[#]</u><br/> <u>Encourage new healthy food retail in Skid Row and incentivize Skid Row businesses to accept EBT for fresh produce.</u></p> <hr/> <p><b>Improve Quality of Life for Unhoused Residents:</b> <u>LU [#].[#]</u><br/> <u>Maintain 24-hour restroom access and frequent</u><br/> <u>PXX upkeep in all Skid Row parks and employ Skid Row</u><br/> <u>residents to conduct bulky item pick-ups and street</u><br/> <u>sweeping to prevent trauma associated with a history</u><br/> <u>of confiscation and destruction of vital personal</u><br/> <u>property.*</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>(4) Ensure equitable development in the Hybrid Industrial area</b></p> | <p><b>(A) Amend existing draft Policies to prioritize affordability and clarify a mixed-income standard for new live/work development.</b></p> <p>LU 32.1<br/> Implement <u>mixed-income and affordable</u> live/work housing options that can accommodate a range of productive activities, and allow units to function as an incubator for new businesses.</p> <p>LU 32.2<br/> Promote affordability through the development of a range of unit sizes <u>and on-site covenanted affordable housing requirements.</u></p> <p>LU 33.9<br/> Encourage the development of <u>mixed-income and affordable</u> live/work housing that accommodates the changing way in which people work and live in the 21st century.</p> <p><b>(B) Add a new Policy to prioritize deeper affordability and mixed-income requirements in new live/work development.</b></p> <p><u>LU [#].[#]</u><br/> <u>Adopt zoning standards that prioritize affordability and require minimum on-site covenanted affordable units in all new live/work developments.*</u></p> | <p>The Draft Plan is dramatically expanding the areas where housing can be built Downtown with the introduction of more live/work uses. This proposed zoning change will create considerable value for current property owners. However, without affordability or mixed-income requirements, new live/work development will likely be market rate and out of reach to low-income residents who might otherwise be interested in that housing option. We recommend that live/work policies in the Plan include language to clarify that all new housing should, to the extent possible, be mixed-income or affordable.</p> |

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| <p><b>(5) Ensure equitable development in the Village areas</b></p> | <p><b>(A) Amend existing draft Policies to prioritize affordability and community-serving uses.</b></p> <p>LU 38.3<br/> <del>Support</del> <u>Ensure that</u> multi-generational communities that include <u>culturally relevant and linguistically accessible</u> local services, recreational facilities, and urban design that accommodates people of all ages, incomes, and levels of mobility.</p> <p>LU 39.2<br/> <del>Foster</del> <u>Cultivate and facilitate</u> an environment that is supportive of family <u>Community Serving Small</u> Businesses and create programs for their retention <u>and sustainability</u>.</p> <p>LU 39.3<br/> <del>Regulate the size of individual retail</del> <u>type of new</u> establishments <u>in consultation with local community-based organizations</u>, and limit incursion of <del>formula</del> <u>non-community serving</u> retail <u>and wholesale</u> establishments to preserve the fine-grained scale and character of small businesses in Village areas.</p> <p>LU 40.2<br/> <del>Facilitate new construction and preservation of existing housing that is accessible to all income levels and ages</del> <u>lower-income households</u> with a priority towards <u>deeply</u> affordable rental and ownership.</p> <p>LU 40.3<br/> <del>Support the location of</del> <u>Locate</u> community-serving uses, such as childcare, <u>senior services</u>, grocery stores, <u>and</u> supportive services, <del>and additional amenities</del> in Village areas.</p> <p>LU 40.4<br/> <del>Support</del> <u>Provide</u> affordable housing for seniors <u>with space for in-home care and intergenerational living</u> <del>the creation of adaptable residential buildings</del> to accommodate aging populations.</p> <p>LU 41.5<br/> <del>Create and</del> <u>Support</u> an improved public realm, including a range of <u>well-maintained</u> open <u>and green</u> space types that can offer opportunities for <u>culturally relevant and multi-generational</u> recreation, <u>rest</u>, and social interaction.</p> | <p>Policies that affect the iconic and historic cultural neighborhoods of Chinatown and Little Tokyo should prioritize affordability and community-serving uses to avoid displacing the residents who have contributed to the historic and cultural vibrancy of those neighborhoods.</p> <p>Further, these neighborhoods are home to many seniors, people living on fixed incomes, and people with limited English proficiency. Planning and design standards for Chinatown and Little Tokyo should take these demographics into account.</p> <p>We recommend amending policies to include more explicit language around affordability and community-specific uses. In addition, we recommend adding new policies to guard against displacement of those communities due to gentrification. Community Serving Small Businesses and cultural institutions in these neighborhoods</p> |
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|  | <p>LU 41.7</p> <p>Retain, <del>support</del>, <u>sustain</u>, and reinforce the historic and cultural elements of Little Tokyo, including the businesses and cultural <u>and faith-based</u> institutions, <u>such as temples and churches</u>, within the community.</p> <p>LU 41.8</p> <p>Complete the Little Tokyo Pedestrian Spine (<u>i.e., from Go For Broke Monument to Japanese Village Plaza to Hashimoto Plaza to Azusa Street through Toyo Miyatake Way, including Onizuka Street, to the future Terasaki Budokan</u>) by limiting vehicular access, <u>adding signage and promoting visual connection such as culturally sensitive public art</u> to enhance connectivity in Little Tokyo. <u>Provide for westward extension of the Little Tokyo Pedestrian Spine from MOCA and the Go For Broke Monument, through First Street North, and connecting to the planned pedestrian mall to City Hall on the proposed City office building site. Consult with Little Tokyo community organizations to confirm the definition of the Little Tokyo Pedestrian Spine and identify culturally appropriate strategies.*</u></p> <p>LU 41.9</p> <p>Support the advancement and expansion of a performance and creative arts corridor along Judge John Aiso Street as it continues south to San Pedro Street, linking institutions such as <u>Union Center for the Arts, East-West Players—Japanese American National Museum, and</u> <del>with</del> the Japanese American Cultural &amp; Community Center and Aratani Theater.</p> <p>LU 41.11</p> <p>Encourage <u>affordable</u> nighttime activities <u>accessible to people of all ages</u> in the commercial core of Chinatown by supporting community events and businesses to remain active throughout extended hours of the day and night, <u>while mitigating impacts on local residents</u>.</p> | <p>should especially be preserved.</p> |
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|  | <p><b>(B) Add new Policies and Programs to prioritize affordable housing, displacement avoidance, inclusive economic development, mobility, and support cultural institutions in Village communities.</b></p> <p><u>LU [#].[#]</u><br/> <u>New development in Village neighborhoods should avoid the displacement of current low-income residents and Community Serving Small Businesses.</u></p> <p><u>LU [#].[#]</u><br/> <u>Preserve and maintain rental units in Village areas that are protected by the Rent Stabilization Ordinance and maintain no net loss of affordable units.</u></p> <p><u>LU [#].[#]</u><br/> <u>Create housing options that are affordable to and occupied by persons and families with lower incomes, prioritizing deeper affordability for residents most at risk of falling into houselessness.</u></p> <p><u>LU [#].[#]</u><br/> <u>Advance opportunities and incorporate street and building design standards to support low-income street vendors to freely work without harassment and help activate sidewalks and parks in Chinatown.</u></p> <p><u>LU [#].[#]</u><br/> <u>Retain, support, and reinforce the historic and cultural elements of Chinatown, including the businesses and cultural and religious institutions within the community.</u></p> <p><u>LU [#].[#]</u><br/> <u>Retain existing and encourage new facilities, resources, and services for seniors, such as medical care and adult day care centers, prioritizing services to high need populations such as limited English speaking residents and those with disabilities.</u></p> <p><u>LU [#].[#]</u><br/> <u>Require new open space to include design features for seniors, such as seating, shade and ample gathering spaces.</u></p> <p><u>LU [#].[#]</u><br/> <u>Form partnerships with relevant neighborhood organizations to advance cultural</u></p> |  |
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|  | <p><u>preservation efforts in the community through educational and informational programs.</u></p> <p><u>LU [#].[#]</u><br/> <u>Encourage the preservation, development, and expansion of accessible and affordable spaces for new small and family businesses and cultural and faith-based organizations to thrive.</u></p> <p><u>LU [#].[#]</u><br/> <u>Discourage the wholesale of goods and formula retail, particularly on ground floor levels. Prioritize small businesses, retail uses or community services on ground floor levels.</u></p> <p><u>LU [#].[#]</u><br/> <u>Provide measures to mitigate gentrification-related speculation, high property values and expensive rents that are threatening the sustainability of Little Tokyo and Chinatown as viable cultural and ethnic communities.</u></p> <p><u>LU [#].[#]</u><br/> <u>Discourage acquisition and demolition of properties with existing Community Serving Small Businesses.</u></p> <p><u>LU [#].[#]</u><br/> <u>Ensure that publicly owned parcels, including First Street North, the 1st/Central Regional Connector site, Mangrove (1st/Alameda) Lot 45 (Spring/Alpine), and 1060 N. Vignes are developed and designed to meet community needs, enhance the cultural history of the neighborhood, and proactively involve the local community in the development and design.</u></p> <p><u>LU [#].[#]</u><br/> <u>Develop the "Mangrove" site located at the northeast corner of 1st Street and Alameda as an expansion of Little Tokyo, consistent with the neighborhood's existing Sustainable Little Tokyo vision, and have ground floor commercial and retail uses on both streets.</u></p> <p><u>LU [#].[#]</u><br/> <u>Upgrade Hashimoto Plaza to enhance visibility and vital pedestrian access to the Japanese American Cultural &amp; Community Center (JACCC) complex, consisting of the JACCC building, Aratani Theater, JACCC plaza, and Japanese Garden.</u></p> |  |
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|  | <p><u>LU [#].[#]</u><br/> <u>Work with Little Tokyo residents and community-based organizations to plant over 100 culturally significant street trees in and adjacent to Little Tokyo.</u></p> <p><u>LU [#].[#]</u><br/> <u>Target Broadway, Cesar Chavez, Alpine, College, Main, Alameda/Spring and Ord Streets for improvements to increase safety, connectivity, and access. Prioritize safe and welcoming design, and prevent hostile architecture and exclusionary design.</u></p> <p><u>LU [#].[#]</u><br/> <u>Adjust the timing on crosswalks and street lights to address the needs of disabled and elderly neighborhood residents and to ensure better access to and from social services sites and other community gathering spaces.</u></p> <p><u>LU [#].[#]</u><br/> <u>Upgrade lighting, signage, and crosswalks and introduce traffic calming measures on Broadway, Hill, Alpine, Ord, College, and Cesar Chavez Avenue.</u></p> <p><u>LU [#].[#]</u><br/> <u>Ensure inter-City coordination and coordination with other agencies, including Los Angeles County Metropolitan Transportation Agency (LACMTA), on various mobility plans for 1st Street, Central Avenue, and Alameda Street, including but not limited to, Union Station Master Plan, LACMTA Active Transportation Strategic Plan, and the LA Mobility Plan.</u></p> <p><u>LU [#].[#]</u><br/> <u>Facilitate pedestrian connections between Japanese Village Plaza and Weller Court.</u></p> <p><u>LU [#].[#]</u><br/> <u>Provide additional planters and seating along 2nd Street between San Pedro Street and Central Avenue.</u></p> <p><u>LU [#].[#]</u><br/> <u>Install a scramble pedestrian cross-walk at the intersection of First and Alameda.</u></p> |  |
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|                                                                            | <p><u>LU [#].[#]</u><br/> Promote connection between Little Tokyo and adjacent neighborhoods and destinations, including but not limited to, Union Station, the Arts District, and the Los Angeles River.</p> <p><u>LU [#].[#]</u><br/> Provide bike lanes on San Pedro Street.</p>                                                                                                                   |                                                                                                                                                                                                                                                                                                                                          |
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| MOBILITY AND CONNECTIVITY                                                  |                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                          |
| Recommendation                                                             | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                           | Notes                                                                                                                                                                                                                                                                                                                                    |
| (1) Enhance mobility and connectivity for the most vulnerable populations. | <p><b>(A) Add new Policies and Programs to enhance mobility and connectivity in Skid Row.</b></p> <p><u>MC [#].[#]</u><br/> Coordinate with community-based organizations to implement Bike Repair Stations with secured relevant equipment such as air pumps, basic bike repair tools, and bike racks.</p> <p><u>MC [#].[#]</u><br/> Support the introduction of new bus-only lanes in Downtown.</p> | <p>With respect to Mobility and Connectivity, the Plan should include more Policies and Programs that are targeted toward the most vulnerable residents, including residents on Skid Row and seniors and disabled populations. These residents are often carless, mostly pedestrians, and rely heavily on transit, buses, and bikes.</p> |
|                                                                            | <hr/> <p><b>PXX</b> <u>Skid Row Bicycle Network: Add bike lanes and “Share the Road” signage along 5th and 6th streets between Main and Central, and include in the Mobility Plan.</u> <u>MC [#].[#]</u></p> <hr/>                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                          |
|                                                                            | <p><b>(B) Add new Policies to enhance mobility and connectivity for seniors and disabled populations.</b></p> <p><u>MC [#].[#]</u><br/> Target improvements for streets that are part of the City’s High Injury Network and streets immediately adjacent to residences and service providers targeting senior and disabled populations.</p>                                                           |                                                                                                                                                                                                                                                                                                                                          |

|                                                                            | <p><u>MC [#].[#]</u><br/> <u>Adjust the timing on crosswalks and street lights to address the needs of disabled and elderly neighborhood residents and to ensure better access to and from social services sites and other community gathering spaces.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| PUBLIC REALM AND OPEN SPACE                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Recommendation                                                             | Edits/Inserts to Draft Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>(1) Promote park equity and inclusive open space in Downtown</b></p> | <p><b>(A) Amend existing draft Policies to prioritize park equity and inclusive public space.</b></p> <p>PO 1.7<br/> Support the development <u>and on-going maintenance</u> of catalytic new parks and reinvestment in existing public spaces. Namely:</p> <ul style="list-style-type: none"> <li>• Pershing Square</li> <li>• Park 101</li> <li>• 6th Street Parc</li> <li>• A new large park in the Fashion District</li> <li>• Gil Lindsey Plaza</li> </ul> <p>PO 4.2<br/> Facilitate the integration of <u>locally produced and community-oriented</u> public art projects and cultural programming into public spaces to reinforce community character.</p> <p>PO 5.4<br/> Provide family-friendly activities and spaces, <u>as well as programming specifically for children, youth, and seniors.</u></p> <p><b>(B) Add new Policies and Programs to promote inclusive and welcoming public open space.</b></p> <p><u>PO [#].[#]</u><br/> <u>Prioritize funding and support for on-going maintenance and programming of neighborhood serving parks.</u></p> | <p>Chinatown, Little Tokyo and Skid Row have historically been deprived of parks and open space investments, which has negatively impacted the health and well-being of our communities. The Plan needs to include more Policies and Programs to address this historical disparity in access to parks and open space. Furthermore, the Plan should ensure that any planning around public open space is truly inclusive and welcoming to all residents.</p> |



|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                          |
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|                                                      | <p><u>PO [#].[#]</u><br/> <u>Ensure meaningful community engagement in park design processes to create unique public open spaces that serve the needs of residents.</u></p> <p><u>PO [#].[#]</u><br/> <u>Foster the creation and on-going maintenance of new park amenities, such as bathrooms, benches, picnic tables, shade structures, drinking fountains, and cooling stations, to improve the experience of park visitors and make parks more accessible during extreme climate events.</u></p> <p><u>PO [#].[#]</u><br/> <u>Encourage street vending in parks and other public open space to promote economic opportunity and activate public space with nourishing food and culturally significant products.</u></p> <p><u>PO [#].[#]</u><br/> <u>Encourage landscaping along connections to extend green space and provide shade and stormwater capture.</u></p> <p><u>PO [#].[#]</u><br/> <u>Promote the development of new, and the maintenance of existing, neighborhood and pocket parks to create healthy green spaces that community members can access daily.</u></p> <hr/> <p><b>Park and Open Space Equity:</b> Assess park and public open space equity outcomes in Downtown, including an assessment of citywide park spending to ensure that historically disinvested and park-poor low-income neighborhoods are prioritized. Develop and implement programs to address disparities in park and public open space access, staffing, and funding.</p> <p><u>PXX</u></p> <p><u>PO [#].[#]</u></p> |                                                                                                                                          |
| <b>(2) Advance equitable LA River revitalization</b> | <p><b>(A) Amend existing draft Policies to strengthen LA River revitalization efforts.</b></p> <p>PO 10.3</p> <p>Encourage <u>Require</u> the use of native plants in landscaping <u>and habitat creation</u> design</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Revitalization of the LA River should extend beyond increasing public access and revitalization of the River itself. As the River</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|  | <p>near the River.</p> <p>PO 10.4<br/> <del>Encourage</del><b>Require</b> the use of native and drought tolerant plants in landscaping near the River, to support the habitat and migration of local species.</p> <p><b>(B) Add a new Goal and corresponding Policies to ensure equitable LA River revitalization.</b></p> <p><b><u>PO GOAL [#]</u></b><br/> <u>INCLUSIVE AND EQUITABLE LA RIVER REVITALIZATION WITHOUT DISPLACEMENT.</u></p> <p><b><u>PO [#].[#]</u></b><br/> <u>Integrate anti-displacement and community stabilization standards into LA River design and development standards.</u></p> <p><b><u>PO [#].[#]</u></b><br/> <u>Align public financing programs, such as an Enhanced Infrastructure Finance District (EIFD), with equity standards including local and targeted hiring, affordable housing, and anti-displacement standards.</u></p> <p><b><u>PO [#].[#]</u></b><br/> <u>Prevent “green gentrification” in neighborhoods along the LA River by prioritizing new affordable housing, displacement avoidance policies, employment opportunities and support for Community Serving Small Businesses.</u></p> | <p>becomes a site of growing investment, the risks of gentrification and displacement in the neighborhoods along the River increases. The City has an incredible opportunity to show cities across the nation and the world that equitable natural resource revitalization is possible. But to do so, and to prevent “green gentrification,” the Plan should include explicit policies to prevent displacement and advance inclusive, community-engaged and -responsive development.</p> |
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**Appendix C: January 27, 2020 Central City United Proposed Amendments to DTLA  
Community Plan**

**CENTRAL CITY UNITED  
PROPOSED AMENDMENTS TO DTLA COMMUNITY PLAN:  
DRAFT ZONES AND COMMUNITY BENEFITS PROGRAM**

**1. Expand the IX1 district for greater coverage of 100% affordable housing standards.**

The IX1 district, which is currently bounded by San Pedro Street, 5th Street, Central Avenue, and 7th Street, is the only use district in the Draft Downtown Community Plan (Draft Plan) Zones where residential uses are restricted to only affordable housing. There are important additional areas of the adjacent Skid Row and Little Tokyo communities not currently covered by this use district that need the affordable housing prioritization of the IX1 district. Given the income and needs of the residents of these communities, the affordable housing prioritization of the IX1 district should be expanded to cover all of the area bounded by Main Street, 3rd Street, Central Avenue, and 8th Street. Additionally, the use district should be modified to require all Restricted Affordable Units be set at housing costs affordable to Low-Income households and lower (i.e., no Moderate-Income units). The Permanent Supportive Housing incentive should continue to apply in this use district.

**2. Align all upzoning with affordable housing and community benefits.**

The Draft Plan is generally structured to incentivize affordable housing and other necessary community benefits through a base/bonus FAR system, which is intended to effectively upzone certain sites, contingent on a corresponding provision of community benefits. Providing a strong bonus FAR can be an important tool to enable new development capacity that is properly aligned with the affordable housing and community benefits that Downtown needs. However, certain provisions in the current Draft Plan undermine the strength of this system. The following changes are necessary to ensure effective value capture zoning while avoiding displacement of current tenants.

**a. *Do not increase base FAR above current zoning (but keep the higher bonus FAR).***

In a base/bonus FAR incentive program, the mechanism to upzone a site should be the allowance of a generous bonus FAR that is carefully aligned with affordability standards. Increasing the base FAR above current density standards merely confers new value without any corresponding community benefits, and undermines the effectiveness of the entire incentive structure. Unfortunately, this is exactly what is occurring in several areas where the draft zoning map increases the base FAR above the current zoning without requiring a corresponding community benefit.

In no circumstances should the base FAR be increased above the current zoning. This is important for two reasons. First, as the City faces a severe housing and homelessness crisis, it is essential that any new development potential be coupled with community benefits, including

affordable housing. By increasing the residential development capacity of a site without requiring affordable housing, the Draft Plan is undermining existing affordable housing incentives and its own community benefit program. Second, Measure JJJ provides that a Community Plan Update may not be approved until a comprehensive assessment ensures that the proposed changes do not: (1) reduce the capacity for the creation and preservation of affordable housing; nor (2) undermine state density bonus law nor any other affordable housing incentive program. Increasing the base FAR on sites would effectively increase allowable density without any corresponding affordability contribution, which reduces the capacity for affordable housing creation and directly undermines state density bonus law, the TOC, and other programs that carefully align density increases with affordability. As such, the Draft Plan needs to avoid increasing base FAR in order to meet the requirements of Measure JJJ.

***b. Reduce the base FAR (but keep the higher bonus FAR) in areas where density limits are removed to achieve more effective value capture.***

In addition to not increasing the base FAR anywhere in the plan area, in certain areas it is necessary to reduce the base FAR from its current setting. This is not a recommendation to reduce the overall development capacity—the available bonus FAR should remain the same as proposed. Instead, in certain areas, a reduced base FAR would more accurately reflect current density standards, and would produce a larger delta between the base and bonus FARs to promote greater use of the community benefits incentives.

For example, the proposed zoning for much of Chinatown and Little Tokyo specifies a base FAR of 6 and a bonus FAR of 8.5—allowing for only a 42% FAR increase using the Draft Community Benefits Program. To achieve this increase, a developer would first provide the “Set E” affordability amounts to qualify for a 35% increase, leaving only a 7% FAR increase remaining in Level 2. Because the difference between the base and bonus FAR is relatively small, the Level 2 incentives will have little influence on the final project.

In order for the Level 2 incentives to play a greater role in shaping development, the base FAR should be reduced from 6 to 4. A developer could then use the Level 1 incentive to increase the FAR from 4 to 5.6, and then use the Level 2 incentive for the remaining 2.9 FAR (as opposed to only 0.4 FAR under the current proposed zoning).

Reducing the base FAR is not a downzone. First, the overall available development capacity is still an increase, represented in the bonus FAR of 8.5. Moreover, reducing the base FAR from 6 to 4 for these zones is appropriate because the draft zoning maps also remove density limits for most of the Chinatown neighborhood and parts of Little Tokyo, effectively “upzoning” these sites and considerably increasing the development capacity. As discussed above, sound public policy requires the City to include affordable housing requirements whenever the residential development capacity is increased. In order to effectively capture the value created by removing density limits, the base FAR should be reduced to approximate the current development capacity, and then encourage an increase to the bonus FAR through the incentive structure.

### **3. Adjust the on-site affordable housing incentives to achieve effective value capture and prioritize deeply affordable units.**

The Level 2 affordable housing incentives in the current Draft Community Benefits Program will yield too few affordable units, fail to prioritize the depth of affordability most needed in Downtown, and allow exclusionary developments to avoid on-site affordable housing with in-lieu fees and other alternatives. This program should be significantly strengthened as follows:

#### ***a. The current Draft Community Benefits Program affordable housing set-aside is too low and undermines other existing programs.***

The Draft Community Benefits (CB) Program and Draft CPIO provide a development incentive in exchange for providing affordable housing. A housing development may receive a 35% FAR increase (Level 1) by providing “Set E” affordability standards, and then may exceed the Level 1 increase by an additional 1 FAR for each 3% increase in Deeply Low- (DLI), Extremely Low- (ELI), or Very Low-Income (VLI) units; or for each 4.5% increase in Low- (LI), Moderate-, or Above Moderate-Income units.

This ratio yields affordable housing set-asides that are considerably lower than those required by the TOC for analogous density increases. For example, under the Draft CB Program and Draft CPIO, a project with a base FAR of 4 and a bonus FAR of 8 could receive a 100% FAR increase by providing 14.8% ELI, 18.8% VLI, or 31.7% LI units—as a percentage of the base project.<sup>1</sup> Comparatively, for an 80% density increase using the TOC (the largest available), a developer would need to provide 11% ELI, 15% VLI, or 25% LI units as a percentage of the total units in the project—not the base. Converting this figure to reflect a percentage of the base (for an “apples to apples” comparison), TOC requires 19.8% ELI, 27% VLI, or 45% LI units as a percentage of the base project.<sup>2</sup> Simply put: the **Draft CB Program and Draft CPIO would require less affordable housing for a larger density increase than the TOC, thereby undermining this existing citywide program and leaving much-needed affordable housing on the table.**<sup>3</sup> This relationship holds true for other FAR increases available under the Draft CB Program. For example, the following table compares affordability standards in the Draft CB Program to the TOC affordability standards at different density increases:

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<sup>1</sup> A 35% increase in 4 base FAR would yield a 5.4 bonus FAR, requiring a set-aside of 11% VLI or 20% LI (Tier 1). An additional 2.6 FAR would yield an 8 bonus FAR—a 100% increase—and require an additional 7.8% increase in ELI or VLI units, or an 11.7% increase in LI units. This amounts to a required set-aside of 18.8% VLI or 31.7% LI units as a percentage of the base project.

<sup>2</sup> TOC set-asides are calculated as a percentage of the final project, unlike the current Draft CB Program, which calculates set-asides as a percentage of the pre-bonus base density. For an “apples to apples” comparison, we can convert the TOC requirements to be an equivalent percent of the base. This is done by multiplying the percent of the base by  $1 + X$ , where  $X$ =percent density increase.

<sup>3</sup> Another point of comparison is state density bonus law, which offers an additional 2.5% density increase for every 1% base VLI. In comparison, with a base FAR of 6, the Draft CB Program Level 2 incentive for on-site affordable units offers an additional 5.6% density increase for every 1% base VLI. This means that, at a base FAR of 6, the Draft CB Program’s Level 2 on-site affordable housing incentive is more than *twice* as generous as state density bonus law. The Draft CB Program is also more generous than the City’s >35% density bonus CUP program.

| <b><i>Draft Plan produces less affordability than TOC for the same or greater density increase</i></b> |                   |              |                                        |                  |
|--------------------------------------------------------------------------------------------------------|-------------------|--------------|----------------------------------------|------------------|
| Draft Form District                                                                                    |                   |              | VLI Units Required as Percent of Total |                  |
| Designation                                                                                            | Base/Bonus FAR    | FAR increase | Draft CB Program                       | TOC <sup>4</sup> |
| PUM1                                                                                                   | Base 4, Bonus 8   | 100%         | 9.4%                                   | 15%              |
| MUB1                                                                                                   | Base 1.5, Bonus 6 | 300%         | 5.7%                                   | 15%              |
| HUB3                                                                                                   | Base 9, Bonus 13  | 44%          | 9.4%                                   | 11% <sup>5</sup> |

The TOC has resulted in new housing production, including deeply affordable housing, across the City. The Draft CB Program should design an incentive program tailored to Downtown by providing FAR increases at levels that *strengthen*, not undermine, the TOC and the South and Southeast LA CPIOs.

***b. The Draft CB Program incentivizes Moderate- and Above-Moderate Income units, in conflict with state density bonus law and inconsistent with the greatest need.***

The Draft CB Program appears to provide that a housing development may receive a 35% density increase (Level 1) by providing “Set E” affordability standards, which includes an option to provide 40% *Moderate-Income* (120% AMI) units. The Draft CB Program further provides that a housing development may exceed this initial 35% density increase by providing an additional 4.5% increase in *Moderate-Income* or *Above Moderate-Income* (150% AMI) units. This would be inconsistent with state density bonus law and undermine efforts to prioritize affordable housing for those most in need.

First, state density bonus law very plainly restricts the provision of a Moderate-Income incentive only to for-sale Common Interest Development projects. The TOC does not offer any Moderate-Income incentive for for-sale or rental projects. Therefore, by allowing rental housing developments a density increase for Moderate-Income units, the Draft CB Program would be inconsistent with state law standards and local programs. Moreover, there is no incentive whatsoever in state density bonus law or the TOC for so-called “Above Moderate-Income” units. But the Draft CB Program would reward the provision of such units with the exact same bonus as it provides to projects that include additional LI units in Level 2. This deviates from, and is fundamentally inconsistent with, the structure of the TOC and state density bonus law. Second, including a Moderate- and Above Moderate-Income option would undermine the Draft

<sup>4</sup> The TOC program provides a density bonus, FAR bonus, and parking reduction through a ministerial process. Because the TOC density bonus is more generous than the FAR bonus, the density bonus is used here for comparison. The largest density bonus available under TOC is 80%, which requires 15% total VLI units.

<sup>5</sup> The TOC program requires 11% VLI for a Tier 1, 50% density bonus.

Plan's ability to respond to the community's most pressing housing need. The vast majority of Los Angeles renters (nearly 70%) are lower-income, with most being Very Low- or Extremely Low-Income.<sup>6</sup> Despite this, the City consistently produces far more Above Moderate-Income housing than lower-income housing. At this point in the 2013-2021 RHNA cycle, the City produced more than twice the amount of Above Moderate-Income housing as the identified need, while building only a fraction of the lower-income housing needed. The CB Program should focus incentives where the need is greatest: on lower-income housing.<sup>7</sup>

***c. The current Draft CB Program allows affordable housing obligations to be satisfied with off-site units or in-lieu fees, which is inconsistent with existing incentive programs and would intensify exclusionary development Downtown.***

The CB Program should be a tool to promote inclusive development. Allowing developers to satisfy affordable housing obligations through off-site construction or an in-lieu fee undermines this goal by separating the residents of new market-rate construction from the residents of affordable housing, and exacerbates segregated development patterns and exclusively luxury enclaves to the detriment of a diverse and dynamic community. Including in-lieu and off-site options is also inconsistent with tried-and-true value capture policies, such as state density bonus law and the TOC, neither of which permit projects to access density incentives without on-site affordable housing. Aligning FAR bonuses with on-site affordable housing is the simplest way to ensure that the required affordable housing is built in the areas affected by new market-rate construction, and is built simultaneously and of comparable quality to the market-rate units. The Draft CB Program should remove options that allow developers to meet affordable housing requirements through off-site construction or payment of a fee.

***d. The Draft CB Program and CPIO should be revised to provide stronger affordable housing incentives that are better aligned with the actual increased development capacity created by the bonus FAR.***

The affordable housing set-aside should be determined by the overall density increase. Each project should be required to first meet Level 1 requirements (35% increase). Level 2 affordability requirements should be dictated according to tiers of overall density increase. A project could choose to secure all of the remaining bonus FAR by providing affordable housing, or could combine the Level 2 affordable housing incentive with other Level 2 community benefits, up to the bonus FAR. Ultimately, the total percent increase in FAR attributed to the Level 2 affordable housing incentive should determine the total amount of on-site affordable housing provided.

The following proposed system aligns FAR increases with increasing affordable housing set-asides, offers developers the flexibility to decide how much additional FAR they need, and

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<sup>6</sup> U.S. Department of Housing and Urban Development. Office of Policy Development and Research. *Consolidated Planning/CHAS Data*. Aug. 2019. <https://www.huduser.gov/portal/datasets/cp.html>.

<sup>7</sup> The City's 2018 RHNA Annual Progress Report is available at [https://planning.lacity.org/odocument/e9ae0d56-b01b-443e-a3d6-7a86c6e88dea/2018\\_APR.pdf](https://planning.lacity.org/odocument/e9ae0d56-b01b-443e-a3d6-7a86c6e88dea/2018_APR.pdf).



aligns that increase with a commensurate amount of affordable housing. These affordable housing rates and corresponding density increases have been carefully calculated to create a mixture of affordability and still produce comparable foregone rental revenues to the TOC, resulting in an incentive structure that is feasible and responsive to the needs of Downtown LA.

| <b><i>Proposed Level 2 Affordable Housing Standards</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <i>FAR increase attributed to Level 2 affordable housing incentive</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>Affordable Units as a Percentage of Total</i>                                |
| 35% - 50% <sup>8</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5% DLI/ELI and 9% LI (14% total)<br>-or-<br>5% DLI/ELI and 6% VLI (11% total)   |
| 51% - 100% <sup>9</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5% DLI/ELI and 12% LI (17% total)<br>-or-<br>5% DLI/ELI and 9% VLI (14% total)  |
| >100% <sup>10</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5% DLI/ELI and 18% LI (23% total)<br>-or-<br>5% DLI/ELI and 13% VLI (18% total) |
| <p>Note 1: All affordable housing units must be included on-site.</p> <p>Note 2: Density awarded through non-residential incentives should be excluded from the bonus FAR increase calculation.</p> <p>Note 3: Where a district does not offer a bonus FAR, but does offer bonus height, the affordability requirement should increase commensurate with the percent increase in height, using existing Level 1 for height increases up to 35% and this table for height increases over 35%.</p> <p>Note 4: Non-housing community benefits should be adjusted to have a cost comparable to the on-site affordable housing requirements in this table.</p> |                                                                                 |

***e. Provide additional assessment and amendments to prevent eviction and demolition of rent-stabilized units.***

The Plan must be very careful about where and how development incentives are applied. The Department should carefully study and disclose the location of existing rent-stabilized units and units occupied by lower-income residents throughout the community plan area, and assess how the proposed zone changes and Draft CB Program will affect these tenants and housing stock. Based on this analysis, the Draft CB Program and Draft CPIO should be amended to include policies and restrictions to ensure the preservation of existing rent-stabilized units and prevent the eviction or displacement of current tenants.

<sup>8</sup> This FAR increase corresponds to the maximum increase in form districts: PLM1, PLM2, PLM3, PUM2, HUB3.

<sup>9</sup> This FAR increase corresponds to the maximum increase in form districts: HUB1, HUB2, LLM1, MLM2, MUB2, PUM1.

<sup>10</sup> This FAR increase corresponds to the maximum increase in form districts: HUM1, MLM1, MUB1.

Tens of thousands of tenants currently live in rent-stabilized units in Downtown LA. Without policies to prevent displacement of current tenants, there is a risk that the community benefit programs aimed at producing new affordable housing and other benefits to the neighborhood will do more harm than good by allowing existing tenants to be displaced while producing little net affordable housing. The Department should conduct a careful assessment of this issue as soon as possible to allow residents to understand how the proposed changes will affect their communities, and should commit to all changes necessary to prevent the eviction of current tenants and/or demolition of important rent-stabilized housing stock.

#### **4. Modify definition of “Publicly Accessible Open Space” to be truly open to all.**

The Draft CPIO allows development projects to receive an additional 1.0 FAR for every additional 4% of lot area dedicated as publicly accessible above the subject site’s required Lot Amenity Space, for either “land dedicated for open space” or “on-site publicly accessible open space.” The Draft CPIO includes a list of amenity requirements for publicly accessible open space, but does not include a definition for the term “publicly accessible open space” itself. We recommend the following definition, which will ensure that the development of such open space is truly accessible to all.

- Publicly Accessible Open Space, defined as “*public plazas, pocket parks, passive and active recreation areas that are privately constructed and maintained, and meet the following standards: (a) are accessible for use by the general public; (b) do not include hostile architecture or private security; (c) are open at hours comparable to those of City parks and facilities, and (d) have appropriate signage indicating that the space is open to the public.*”

#### **5. Include additional Community Facilities Incentives.**

The Draft CPIO appears to allow development projects to receive an additional 1.0 FAR for each 2.5% incremental increase in floor area above a minimum 5,000 square feet, dedicated to: on-site childcare, schools and libraries, Social Services, Public Facilities, and Regional Mobility Hubs.<sup>11</sup> Several other community facilities are listed in the Draft CB program, such as Full Service Grocery Stores and Health Centers. The Draft CB Program and Draft CPIO should incentivize additional community benefits by including the following additional Community Facilities:

- Reduced Rent Community-Serving Small Business, defined as “*a privately-owned corporation, cooperative, non-profit, social enterprise or other entity that has a long-term lease guaranteeing below market rate rent and serves the local neighborhood by employing local residents or providing culturally appropriate and/or needed goods or services for a mixed-income community, and meets at least three of the following four standards: (a) has no more than twenty-five employees/shareholders; (b) is not*

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<sup>11</sup> These ratios should be adjusted to have a cost comparable to the table above outlining tier-based on-site affordable housing requirements.

*franchised or affiliated with a national chain; (c) pays all employees a living wage; (d) has been operating in the Community Plan Area for at least 15 years.*

- Publicly Accessible Open Space, defined as “*public plazas, pocket parks, passive and active recreation areas that are privately constructed and maintained, and that are accessible for use by the general public, are open at hours comparable to those of City parks and facilities, and have appropriate signage indicating that the space is open to the public.*”
- Adult Day Care facility, defined as “*a non-residential facility that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed, group setting.*”
- Sidewalk Vendor Commissary, defined as “*a food facility, approved by the Los Angeles County Department of Public Health to accommodate all operations necessary to support mobile food facilities and is made available exclusively to Sidewalk Vendors.*”

**6. Ensure that TFAR does not undermine the production of on-site affordable housing throughout the community plan area.**

Historically, the TFAR program has undermined other affordable housing incentives by allowing developers to buy development rights at a statutory price untethered from the value of the additional development rather than providing affordable housing or other community benefits. We appreciate the changes to the Draft CB Program and zoning standards that are intended to close this loophole and require an affordability contribution before a project may qualify for the TFAR program. However, this correction may have limited impact, to the extent the Draft Plan is also adding significant new transferable floor area on other City-owned sites that could be acquired in lieu of meeting the full Level 2 affordability standards or providing other community benefits. More analysis is needed to ensure that the Draft Plan truly prioritizes the deeply affordable housing that so many Downtown residents so desperately need.

**7. Require continued discretionary review as necessary to ensure equitable commercial development.**

Together, the Draft Plan, Draft CB Program, and Draft CPIO enable streamlined review for numerous types of commercial development. It is important to encourage and support Community-Serving Small Businesses and promote microentrepreneurship across the diverse Downtown communities. However, a comprehensive and nuanced approach to inclusive economic development requires additional restrictions and discretionary review procedures for certain types of commercial development, such as luxury hotel development, to appropriately evaluate impacts, ensure that affordable housing is prioritized, and protect existing commercial assets.

## **8. Adjust use standards to reflect community needs and priorities.**

In addition to expanding the affordable housing prioritization of the IX1 use district, as described above, Article 5 Use Districts, General Use Standards and/or the Draft CPIO should be modified, as follows, to prioritize community-centered growth and development in Little Tokyo, Chinatown, and Skid Row.

### ***Little Tokyo***

- Permit residential use throughout Little Tokyo, including in PF1 districts with significant affordability requirements.
- Permit Park and Open Space in PF1 regardless of adjacent district.
- Permit Day Care Facilities in PF1 regardless of adjacent district.
- Permit Eating and Drinking Establishments (with LD) in PF1.
- Prohibit Heavy Commercial and Heavy Industrial uses in Little Tokyo, including in the PF1 district.
- Prohibit Correctional or Penal Institutions throughout Little Tokyo.
- Prohibit Gun Sales throughout Little Tokyo.
- Prohibit Adult Entertainment Businesses throughout Little Tokyo.
- Prohibit Sports Arena and Stadiums throughout Little Tokyo.
- Prohibit Hospitals throughout Little Tokyo.
- Prohibit Smoke and Vape Shops in XC1 in Little Tokyo.

### ***Chinatown***

- Permit Day Care Facilities throughout Chinatown.
- Permit Swap Meets in all of Chinatown.
- Permit Homeless Shelters throughout Chinatown, including in RG1.
- Permit Park and Open Space regardless of adjacent district.
- Include “remittance services” in the definition of Financial Services.
- Ensure that any use restrictions in Chinatown do not prevent the operation of culturally significant Poultry and Seafood retail operations.
- Permit community-serving Wholesale Trade in XC1 and XN1 in Chinatown, with a size limit of 20,000 sq. feet.
- Permit Food and Drink Manufacturing in XC1, except Alcohol Beverage Manufacturing.
- Prohibit new permits for alcohol sales in Chinatown.
- Prohibit new Correctional Facilities in Chinatown.
- Prohibit Sports Arenas and Stadiums in Chinatown.
- Prohibit Smoke and Vape Shops in Chinatown.
- Prohibit Adult Entertainment Businesses in Chinatown.
- Prohibit Sound Stages and Backlots.
- Prohibit Gun Sales in Chinatown.

Consider options to allow Textile and Apparel Manufacturing in commercial areas in Chinatown with conditions and strong protections to ensure high quality employment standards, workplace safety, and wage-theft enforcement.

***Skid Row***

- Restrict residential development to solely Restricted Affordable Units (restricted to Deeply, Extremely, Very, and Low-Income Households) and Permanent Supportive Housing.
- Create use designations for Community Gardens and Rooftop Gardens, and permit them throughout Skid Row.
- Encourage access to public ATMs.
- Subject Recycling Collection or Buyback Centers to C3 review.
- Subject Dance Hall and Banquet Hall uses to C2 review.
- Subject all Bail Bonds to C3 review.
- Prohibit for-profit traditional self-storage but permit non-profit bin-based storage.
- Prohibit Vehicle Sales and Official Police Garages.
- Prohibit Vehicle Repair and Fuel Stations.

**Appendix D: October 15, 2020 Central City United Feedback on Community Benefits Fund**

October 15, 2020

Brittany Arceneaux  
Los Angeles City Planning  
200 N. Spring St., Room 667  
Los Angeles, CA 90012

**RE: CCU feedback on establishing a Community Benefits Fund in the DTLA  
Community Plan Update**

Dear Ms. Arceneaux,

We are pleased to offer comments and recommendations regarding the Department's proposal to eliminate the TFAR program and replace it with a Community Benefits Fund in the Downtown Community Plan Update (Draft Community Plan Program P21). Thank you for summarizing the proposal during our meeting on September 2, 2020, and for your invitation to follow up with additional feedback. We offer these recommendations on the Community Benefits Fund as part of a broader set of feedback we will be providing on the current Draft Plan, with additional analysis and recommendations forthcoming.

**1. The Downtown Community Plan should eliminate the existing TFAR program and replace it with a well-crafted Community Benefits Program.**

We support the recommendation to eliminate the TFAR program. In its several decades of existence, TFAR failed to meet the needs of, and in many cases harmed, low-income downtown residents. The program significantly undervalued development rights, failed to provide much-needed affordable housing, and was a confusing and overly-politicized morass of complicated calculations, discretion and unaccountable decision-making.

While the downtown TFAR program is a failure, the underlying planning concepts of value capture and transfer of development rights still hold great potential to improve the lives of downtown residents, if done right. We would support a program that allows projects in certain areas to acquire additional development rights by contributing to a fund that supports significant benefits identified by low-income communities, is transparently managed, and is subject to meaningful community oversight.

**2. The Community Benefits Fund should prevent displacement and require new on-site affordable housing for participating residential projects and targeted economic justice programs for participating non-residential projects.**

The Community Benefits Fund (the "Fund") should be structured to first require that residential projects include a baseline of deeply affordable on-site units (at rates that meet or exceed TOC standards, higher than currently proposed in the Draft Plan) in order to be eligible for additional FAR by contributing to the Fund. Stated another way, the Fund must be an option *in addition* to providing on-site affordable housing, not a de facto in lieu fee.

Non-residential projects, in contrast, should be required to first provide certain economic justice benefits on-site in order to be eligible for additional FAR by contributing to the Fund. We recommend the following economic justice benefits, as informed by our work with Chinatown, Little Tokyo, and Skid Row:

- Publicly Accessible Open Space, defined as “public plazas, pocket parks, passive and active recreation areas that are privately constructed and maintained; do not include hostile architecture; are accessible for use by the general public at hours comparable to those of City parks and facilities as indicated by visible signage at all entry points; and include all of the following: adequate shade, free seating, free phone charging, free electric outlets, free internet access and safe drinking water.”
- Dedicated space for Reduced Rent Community-Serving Small Business, defined as “a privately-owned corporation, cooperative, non-profit, social enterprise or other entity that has a long-term lease guaranteeing below market rate rent and serves the neighborhood in which it is located by employing local residents or providing culturally appropriate and/or needed goods or services for local low-income residents, and meets at least three of the following four standards: (a) has no more than 25 employees/shareholders; (b) is not franchised or affiliated with a national chain; (c) pays all employees a living wage; (d) has been operating in the Community Plan Area for at least 15 years.”
- Sidewalk Vendor Commissary, defined as “a Commissary that is approved by the Los Angeles County Department of Public Health to accommodate all operations necessary to service mobile food facilities and is made available exclusively to low-income Sidewalk Vendors.”
- Resiliency Centers, defined as “an area or building designed for free public use as temporary shelters or relief centers, during future disasters and climate events, including, but not limited to, exceptional heat and cold, heavy rainfalls, earthquakes, and unhealthy air quality, which are easily accessible to houseless persons, youth, seniors, people with disabilities, and other residents at-risk during emergency and climate events. Resiliency centers should include free internet access, outlets for emergency cell phone and computer batteries; free and adequate seating, space to provide disaster relief services and distribute emergency supplies, bathroom facilities, clean potable water, and have a dedicated space that can operate independently from the main electrical system of the larger complex. The independent system must have an onsite power system capable of reliably sustaining operations, defined as emergency heating and cooling capability, refrigeration of temperature sensitive medicines, and emergency lighting, during an extended outage. Resiliency centers are not replacements for emergency shelters.



**3. The Community Benefits Fund should require a meaningful contribution from participating projects, commensurate with the value of the alternative “Level 2” public benefit options in the CPIO.**

If the Fund allows developers to access incentives that would otherwise be accessed through on-site affordable housing, the fee amount should be calculated to cover the cost of building the same number of affordable housing units elsewhere in the Community Plan Area. It is important that the fee not be set so low that this program undermines the other community benefit options included in the Level 2 Public Benefits Incentive program. Consider setting a fee using a methodology similar to the Measure JJJ In-Lieu Fee Schedule to ensure the fee amount is high enough to build the same number of affordable units that a developer would otherwise have provided on-site.

**4. The Community Benefits Fund should be allocated to a targeted list of housing and economic justice programs.**

The Fund should be completely dedicated to providing community benefits in underserved neighborhoods in the Downtown Community Plan Area. The Fund presents an opportunity to resource and implement many of the goals, policies, and programs described in the Draft Plan text. With a robust Community Benefits Fund, the DTLA Community Plan would move beyond language of equitable values into action by actually prioritizing and funding programs that serve the communities historically harmed by land use and planning. We recommend the Fund be structured to allocate dollars specifically for:

- Land acquisition by Community Land Trusts, for the purposes of establishing permanent, community controlled affordable housing.
- Seeding an “opportunity to purchase” program to enable organized tenant groups and/or community based organizations to acquire buildings in default or facing expiring affordability covenants.
- New 100% affordable housing and permanent supportive housing projects.
- Grants for low-income micro-entrepreneurs working in the Downtown Community Plan Area.
- Rent subsidies to provide below-market rent to Community-Serving Small Businesses, prioritizing businesses owned by lower-income or moderate-income persons.
- Piloting a Legacy Business Program to explore ways to ensure the longevity of community-serving institutions which have served their neighborhood for 15 or more years.
- Design and procurement of sidewalk vending carts that comply with relevant food safety regulations for donation to sidewalk vendors working in the Downtown Community Plan Area.
- Amenities needed by houseless residents, such as no-fee ATMs, free high-quality wireless internet, drinking fountains, shade structures, free phone charging stations,

- public restrooms, and other amenities identified in consultation with houseless residents.
- Emergency cash assistance for low-income residential and commercial tenants at risk of displacement.
  - Universal Basic Income pilot program for low-income Downtown Community Plan Area residents.

**5. The Community Benefits Fund accounting and disbursement should be transparent and subject to community oversight.**

The Fund should also include the creation of an oversight commission comprising downtown residents affected by the affordable housing and eviction crisis, including at least 50% current or former houseless residents, with representatives from multiple downtown neighborhoods including Skid Row, Chinatown, and Little Tokyo. This commission should receive an appropriate stipend for service, and be properly trained and empowered to adopt guidelines for Fund applications and disbursement, review and approve applications, and receive periodic progress reports from city staff on implementation, enforcement, and spending of program revenue. The commission should also be empowered and appropriately staffed to produce and present an annual report to the City Council with an assessment of the program's impact on advancing housing and economic justice and recommendations for improvements.

\*\*\*

We appreciate your consideration of these recommendations and look forward to continued conversations and collaboration to ensure an equitable and inclusive Downtown Community Plan.

Sincerely,

Central City United<sup>1</sup>

cc: Shana Bonstin  
Craig Weber  
Clare Kelley  
Valerie Watson  
Councilmember Gil Cedillo  
Councilmember Kevin de León  
Councilmember Curren Price

---

<sup>1</sup> The Central City United coalition is led by the Southeast Asian Community Alliance (SEACA), Little Tokyo Service Center (LTSC) and the Los Angeles Community Action Network (LA CAN), as key stakeholders in the Chinatown, Little Tokyo and Skid Row neighborhoods of Downtown, along with Public Counsel.



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December 4, 2020

**Sent Electronically**

Brittany Arceneaux, City Planner  
City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Email: [Brittany.arceneaux@lacity.org](mailto:Brittany.arceneaux@lacity.org)

**RE: Draft EIR Comments for the Downtown Community Plan  
Update/New Zoning Code for Downtown Community Plan**

Dear Ms. Arceneaux:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) for the Downtown Community Plan Update/New Zoning Code for the Downtown Community Plan (DTLA 2040). As proposed, DTLA 2040 combines two existing Community Plans, Central City and Central City North, into one single Community Plan. DTLA 2040 is the culmination of six years of outreach and will guide development in downtown Los Angeles for the next twenty years. Because of its lengthy time horizon, it's vital for the City to provide a well thought out and comprehensive Community Plan that successfully protects some of Los Angeles's most important historic resources.

The Conservancy believes the Community Plan Update is moving in the right direction, with an expanded transfer of development rights (TDR) program, updated adaptive reuse program, and new form-based zoning code. The Conservancy isn't without some concerns, including height restrictions in designated historic districts, protection for the Arts District, expansion of the Village land use designation in Chinatown, and creation of new policies and programs to protect and promote longtime community serving small businesses and institutions.

**I. Inclusion of SurveyLA findings and analysis of potential conflicts in DTLA 2040**

It is imperative that DTLA 2040 include and fully incorporate SurveyLA findings throughout the plan area to identify resources and determine any potential conflicts with what is being proposed. The Downtown Community Plan Area includes four historic districts listed in the National Register of Historic Places, 190 individually eligible resources identified through

1



SurveyLA, and 138 Historic-Cultural Monuments (HCM), indicating an extremely high concentration of historic resources in the city.

Surveys are intended to help identify eligible individual historic resources and areas of concentrations of contributing resources that qualify as potential historic districts. The data from SurveyLA exists and should be fully incorporated into the Proposed DTLA 2040 Plan and made available in a user-friendly format so that it is useful for long-term planning purposes and balancing preservation and development priorities.

The Proposed Plan should articulate a clear understanding of the survey results to better plan for preservation and development in the future. This information is critical as a starting point in identifying potentially significant resources. Informative maps of historic districts, planning districts, and CPIOs should be fully incorporated into the Plan document to better inform interested parties. At present, limited information and scope is provided within the Fall 2020 Community Plan Draft, with only a single reference to SurveyLA findings listed within the “Future Implementation Actions Table.”

**Recommendation:** SurveyLA findings should be included, expanded and fully articulated in a revised DTLA 2040 Community Plan document, including detailed analysis that discusses potential conflicts. We would like to see this prior to the plan’s introduction and review at the City Planning Commission.

1, cont.

## II. Modify and Expand Adaptive Reuse 2.0 Provisions

Through DTLA 2040, the City proposes to update its adaptive reuse program in Downtown. As a policy established in 1999 (Adaptive Reuse Ordinance, ARO), adaptive reuse has successfully resulting in the creation of new housing (more than 12,000 new housing units) and reinvestment in existing community assets. Without question, it has also been central to the revitalization of Downtown Los Angeles. Now, following more than twenty years of progress it is time to revise the policy to ensure it remains effective as an incentive to encourage the reuse of existing buildings. This is not only good for preservation but sustainability as we need to retain and reinvest in existing resources rather than throw them away.

A number of buildings remain that present new challenges and require innovative solutions. Costs for rehabilitation and retrofit are much greater and difficult now than when the ARO was first established, in part due to the complexity of various codes that must be adhered to and an escalation in overall construction. Adaptive Reuse 2.0 aims to solve many of the issues that now face historic buildings that are not capable of being converted only into housing. Greater flexibility and adaptability within city codes is needed.

Adaptive reuse 2.0 (Article 9) does not distinguish between historic and non-historic resources, despite there being clear differences and challenges. It concentrates on larger-scale, unified development projects, whereby adaptive reuse is one incentive, but this falls short in offering additional incentives for single building projects. One example would be to allow historic buildings to add additional floor area (intermediate floors and mezzanines), where viable and regardless of use. Further, any amenity requirements should be tied to new floor area only, not existing for the historic buildings.

2



Many of the Downtown buildings that remain empty are those that present unique challenges (small floor plates, ADA accessibility issues, etc.) and unable to be combined with other buildings or a larger project. Until we are able to help in this area many of these types of historic buildings will remain empty and under-utilized. Therefore additional incentives are especially needed for these types of examples to ensure financial feasibility for rehabilitation. If we can help these projects “pencil out” they have an opportunity to create additional housing which lines up with this clear priority articulated with DTLA 2040.

Adaptive Reuse 2.0 no longer limits adaptive reuse projects to dwelling unit conversions. “Under the Downtown Plan, the Proposed Downtown Adaptive Reuse Program will be expanded through the New Zoning Code to allow for the conversion of eligible buildings to any permitted or conditionally permitted by the designated Use District of property.” The new expanded uses are expected to resolve many of the hurdles faced by developers who were unable to convert historic buildings into housing because of building and life-safety codes.

2, cont.

In a number of City Planning presentations, planners stated that the new Adaptive Reuse program would allow for any building that is 25 years or older to be eligible for these incentives. However, nowhere in the Draft Community Plan and supporting documents could this be found. We understand this was originally articulated and restricted to buildings constructed prior to July 1, 1974 in the ARO. This date is no longer applicable to DTLA 2040 and believe it should be removed. Instead it should just say 25 years with no reference to a specific cut-off date.

**Recommendation:** Please distinguish between historic and non-historic adaptive reuse types of projects, and offer additional incentives which are needed to offset costs and unique challenges associated with historic buildings. Change the criteria to clearly state any building 25 years or older is eligible for the Adaptive Reuse Program. By specifying 25 years, Adaptive Reuse 2.0 will allow new building stock to become eligible for incentives year after year, rather than tying it to 1974.

### III. Ensure Adequate Height, Setback, and Frontage within Historic Core designated historic districts

Context-sensitive growth occurs when there is a priority placed on maintaining the existing qualities and assets while also outlining where future compatible new development can occur. We believe DTLA 2040 attempts to do this, especially within the Historic Core area. This is fundamental to the work of the Conservancy as we always strive to achieve a balance and “win-win” outcomes whenever possible.

There are two designated National Register Historic Districts located within Los Angeles’s Historic Core, including the Spring Street Financial District and the Broadway Theater District. Like other historic neighborhoods throughout the city, the Broadway and Spring Street National Register Historic Districts are increasingly under pressure by new development. Often this development is out-of-scale with its historic environment and chips away at the district’s integrity overtime.

3

Further, this type of development places pressure on existing historic assets, and will only escalate throughout the “life” of the DTLA 2040 plan if there are no tools in place to help. Given there are now limited sites to redevelop within the Historic Core, in the near future we anticipate seeing proposals coming forward to demolish and redevelop individual and entire groupings of historic buildings here, as well as in Chinatown and Little Tokyo. Outside of the California Environmental



Quality Act (CEQA) process, while noting its inherent limitations, we would not be able to prevent this from occurring.

It is important to preserve DTLA's historic neighborhoods and maintain a balance between existing and new development in certain areas of the DTLA 2040 plan area, therefore we support height limitations in these areas. We also recommend this should be expanded, by identifying transition or buffer zone areas with measures to ensure there is some inter-connectivity between various areas within the DTLA 2040 plan.

If the underlying zoning, FAR, setbacks and frontage requirements allow for greater height and massing than what exists now, either for individual parcels or those that might be assembled and combined in the future, there will be pressure to demolish existing historic resources and rebuild at a larger scale. Maximum height building limitations offer a much-needed tool and mechanism to balance growth pressures. It is one tool to ensure the City is meeting its stated priority of preservation, by maintaining the existing and valued character that is provided through these historic districts.

Without a maximum height building limitation, the Historic Core is left exposed and vulnerable. It is important to note that while National Register status is in place and some historic buildings are designated as individual Historic-Cultural Monuments (HCM), landmarking and historic district designation alone cannot ensure a preservation-based outcome or compatible development, as it is extremely limited in scope.

Appendix N, the "Broadway Theater and Entertainment District Design Guide," referred to as the Broadway CDO is a supplemental "best practices" guide for future development in the historic district. Within the CDO's Section 3: New Construction there are two key provisions:

- Standard 6a Building Scale and Massing dictates that all new buildings "south of Fourth Street, the portion of the building above 150-feet (as permitted by tower standards) shall be setback a minimum of 30 feet from Broadway and any perpendicular street."
- Standard 6b dictates that "when constructing a tower, the portion of the building above 150 feet shall include a lot coverage of no less than 30-percent and not more than 40-percent of lot coverage which can include minimum 30-foot setback when a 30-foot setback is require"

Such standards are important for the historic district's ability to retain its integrity and convey its significance. While DTLA 2040 includes the Broadway District CDO, the guide is not mandatory and exists as a "best practice" document. The Conservancy urges the City to adopt these guidelines as a mandatory set of rules to enhance and maintain the historic district's ability to convey its significance.

A significant issue with the Broadway District CDO is that it is written in a different technical language than the new zoning code and should be updated to reflect re:code LA to avoid any confusion. The Broadway Historic District, from 4<sup>th</sup> Street south is given the form codes DM4 and HB4 which means a building with a twelve-story street frontage is required to have a setback of thirty-feet for any volume above the twelfth story. This is roughly equivalent to the 150 feet guideline standard in the Broadway CDO.

3, cont.





Despite the majority of the Broadway District having a DM4 designation, the block between 3<sup>rd</sup> street and 2<sup>nd</sup> street have given a form code of HB4 allowing for unlimited maximum height with no setback due to its proximity to Metro. Instead, this block should be zoned similarly to the rest of the historic district. The same pattern of HB4 zoning is also seen on the opposite end of the district, however, there is no Metro stop nearby and this should also be downzoned to be in line with the rest of the district.

**Recommendation:** Maintain consistent maximum height building limitations within the Historic Core as they offer a much-needed tool and mechanism to balance growth pressures. We recommend this should be expanded, by identifying transition or buffer zone areas with measures to ensure there is some inter-connectivity and gradation between various areas within the DTLA 2040 plan. While we appreciate the inclusion of Chinatown and the Arts District in Appendix C (Historic Cultural Neighborhoods Best Practices), we ask the City to add best practices for the Spring Street Financial District. In addition, language should also be included that acknowledges and encourages the preservation and rehabilitation of existing historic/eligible resources in these neighborhoods.

3

#### IV. Balance Arts District development through introduction of Transfer of Development Rights (TDR) tool

The Arts District of Los Angeles is the heart of the city's industrial heritage. Identified by SurveyLA as the Downtown Los Angeles Industrial Historic District, the collection of historic resources is eligible for listing at the local, state, and national levels. From its origins in the early 1900s through the late 20<sup>th</sup> century, the district has transformed from a heavy industrial center to artist enclave. Today, this low-scale neighborhood faces increased development pressure by much larger new development. This threat, like high-rise development in other parts of the city, continues to threaten the integrity of this eligible historic district at an ever-increasing pace.

Under the proposed Community Plan Update, Transfer of Development Rights (TDR) will be included to promote the preservation of historic resources. The Conservancy has been working closely with City Planning on this concept for the past few years, and we welcome its inclusion with the DTLA 2040 plan. As proposed, a Community Plan Implementation Overlay (CPIO) will designate areas available for TDRs. Eligible donor sites must be designated as a Los Angeles Historic-Cultural Monument (HCM), a site listed or determined to be eligible for the California Register of Historical Resources or the National Register of Historic Places, a contributor to a historic district identified by SurveyLA, or an individual resource identified by SurveyLA.

Under the new TDR program, donor sites would be allowed to sell unused floor area, up to the maximum Bonus FAR permitted in the Form District to a receiver site within the Downtown Plan Area. The new TDR program is concentrated in the Arts District, where it will incorporate Hybrid Industrial 2 properties as possible donor sites. Hybrid Industrial 2 a new zoning designation for the City will allow for mixed uses that include light industrial, creative office space, and residential to promote more pedestrian friendly neighborhoods.

**Recommendation:** The TDR program has been a successful tool for preservation in the past and the Conservancy commends the City for implementing the TDR program in the Arts District, one of the Central City's most vulnerable eligible historic districts. Provided the TDR program proves successful as a pilot, we would like to see the City expand its application to other parts of the DTLA 2040 plan area. So that areas such as Chinatown and Little Tokyo might benefit, we recommend the



City identify the mechanism and process by which this can occur in the future, without having to wait for another future community plan update. There should be flexibility embedded within the plan to adapt to changing market circumstances, including applying the TDR program to other areas.

## **V. Expand Villages land use designation in Chinatown**

Villages are areas characterized by walkable and fine-grained block patterns that serve as historic and cultural regional niche market destinations. The building form in these areas are very low to mid-scale, with uses that include restaurants, retail, services, and small offices with a range of housing types interspersed. Villages only make up 5% of the Community Plan Area.

Chinatown is a historic-cultural neighborhood, home to a long-standing multigenerational residential community, a variety of small and family-owned businesses, family associations, and institutions that serve the Chinese American, as well as other immigrant communities.

We appreciate that the Villages land use designation was expanded to include the block between College Street and Alpine Street to the north and south, and North Broadway and North Spring to the east and west.

To further protect this historic-cultural neighborhood and its legacy businesses and institutions, it should also include 1) the area south of Ord Street to Cesar E. Chavez Avenue between North Hill Street and North Alameda Street; 2) the west side of North Hill Street between Alpine Street and Cesar E. Chavez Avenue; 3) the area west of North Alameda Street to New High Street between Alpine Street and Cesar E. Chavez Avenue; 4) the north and south side of Alpine Street between Yale Street and North Hill Street; and 5) the block between College Street and Alpine Street to the north and south, and Cleveland Street and Yale Street to the west and east.

**Recommendation:** Expand the Villages land use designation in Chinatown to ensure it encompasses and captures the key areas that reflect Chinatown's rich history.

## **VI. Acknowledge and create new policies and programs to protect and promote longtime community-serving small businesses and institutions.**

Throughout the DTLA 2040 plan area are small, community-serving businesses, also referred to as legacy businesses. Many are at risk due to soaring rents, increased development pressures, lack of succession plans, and now the coronavirus COVID-19 pandemic. While we support and value growth and new development, it should not come at the expense of community-serving small businesses. The combination of these factors has left some longtime small businesses with reduced revenues and uncertainty about the future. This result raises questions of equity, leaving business owners without a means of income, and residents and neighborhoods without access to essential goods and services.

Longtime community-serving small businesses in the DTLA 2040 plan area are cultural assets and neighborhood anchors. It is important for the DTLA 2040 plan to acknowledge this issue as it is inherently linked to future growth and development within the plan area. If not, more of these businesses will be lost. Just as we are trying to maintain and create new affordable housing, without gentrification and displacement, we need to plan for, support and avoid displacing our community-serving small businesses. In many instances these businesses are also serving as primary employers for these neighborhoods and their residents.





DTLA 2040 should define what a community-serving small business (including street vendors) is as part of the plan. The Conservancy has defined these as legacy businesses and “a privately-owned corporation, cooperative, non-profit, social enterprise or other entity that has been around for 20-25 years or more and contributes to the history, culture, and identity of Los Angeles, and has no more than 25 employees/shareholders and is not franchised or affiliated with a national chain.” Further, DTLA 2040 should identify all available tools and programs that can help, including within the package of community benefits as articulated within DTLA 2040.

Through the Conservancy’s Legacy Business initiative we have outlined the following as additional measures that could be implemented to help support community-serving small businesses:

- Establish a Legacy Business Registry with the City of Los Angeles;
- Establish a Rent Relief and Stabilization subsidy program that allows for a reduced or below-market rent rate to stabilize and avoid closures through escalating rents. This will directly assist Legacy Business owners serving as tenants and incentivize building owners to maintain stable, long-term agreements. A square foot formula is recommended to determine the grant amount and reflect the variety of types and sizes of legacy businesses, and to correspond to commercial leasing terms.
- Establish a Vendor Procurement Priority to increase opportunities for eligible legacy businesses to benefit through the procurement process. As vendors that do business with the City, legacy businesses shall receive priority through the procurement process. Besides simply cost control, selection that supports legacy businesses will ensure City resources are being spent in a means that underpins a goal of retaining longtime businesses.
- For legacy businesses that also qualify as a historic resource, are currently designated as a Historic-Cultural Monument (HCM), or listed in a historic district, the City’s Mills Act program shall give priority in selection for a Mills Act contract. Mills Act participants may realize substantial property tax savings of between 40% and 60% each year for newly improved or purchased older properties. For recent and new owners of property, including those with legacy business tenants, this incentive program will be especially beneficial. To ensure the legacy business remains, the Mills Act contract should include specific provisions that maintain long-term (at least 10 years) tenancy and/or the property owner participates in the Rent Relief and Stabilization program.
- Provide strategic loans and/or grants needed to provide emergency relief to offset increased rents for legacy businesses. In some instances, funding is necessary to purchase real estate housing legacy business tenants and maintain community control of small businesses and commercial properties. This funding is provided directly to the legacy business and/or a qualified entity raising funding to strategically support legacy businesses in a specific neighborhood or area. In addition to providing capital to assist with rent relief or acquisition of real estate, funding can help support legacy businesses by providing technical assistance, succession planning, and coaching to ensure these valued community assets thrive.

**Recommendation:** Acknowledge, define and identify tools and incentives that can help support and avoid the displacement of longtime community-serving small businesses (legacy businesses).



## VII. Conclusion

While much of downtown's success in recent years can be attributed to the rehabilitation and adaptive reuse of the neighborhood's historic building stock, the demand for higher density and new infill construction has increased as well. The continued revitalization of downtown Los Angeles over the last two decades has brought about a new wave development, spurring discussions over the compatibility of new buildings in historic districts and affordable housing.

The Plan offers a number of new provisions as part of the re:code LA zoning and more contextual-based guidance. It also includes important incentives for preservation such as, an updated adaptive reuse ordinance and a pilot Transfer of Floor Area Ratio (TFAR) incentive program for the Arts District.

DTLA 2040 also introduces a new “Village” designation for some low- to mid-scale areas within downtown, supporting their role as historic and cultural destinations. We believe this approach could be applied elsewhere within downtown to both help preserve existing affordable housing units and legacy businesses.

The Conservancy is pressing for ways to strengthen these proposed provisions and additional aspects of DTLA 2040 to support preservation. We welcome the opportunity to continue working with City Planning to strengthen DTLA 2040. Thank you for all your hard work in crafting this plan and for your consideration of our recommendations.

### **About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

Sincerely,



Adrian Scott Fine  
Director of Advocacy

CC: Councilmember Gil Cedillo, Council District 1  
Councilmember Kevin de Leon, Council District 14  
Councilmember Curren Price, Council District 9  
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File No. 053646-0004

December 4, 2020

**BY EMAIL**

Mr. Craig Weber  
Principal City Planner & Division Head  
Community Planning  
Department of City Planning  
200 N. Spring St  
Los Angeles, CA 90012

Re: 670 Mesquit Project: Comments on DTLA 2040 Plan EIR and DTLA 2040 Plan

Dear Mr. Weber:

Thank you for the opportunity to comment on the DTLA Plan and DTLA 2040 Plan Draft EIR.

We are writing on behalf of our client, RCS VE LLC, concerning the plan's relationship to our client's proposed project at 670 Mesquit Street in the Arts District, the plan's proposal for the Arts District generally, and how the plan's Draft EIR addresses our client's proposed project. We have appreciated our coordination with the Planning Department on the proposed 670 Mesquit Street project, designed by world-renowned architectural firm BIG-Bjarke Ingels Group. The Department recommended consideration of the general plan amendment for the proposed project when the applications were filed in 2017. As we discussed in presenting an overview of the project to the 2040 Plan team last year, this forward thinking mixed-use project will contribute to the ongoing revitalization of the Arts District and improve public access to the adjacent Los Angeles River.

Like many recent projects in the Arts District, the lack of updated zoning reflecting the area's recent evolution necessitated a general plan amendment request four years ago. Accordingly, City staff's efforts to modernize the City's zoning regulations for the Downtown Community Plan are much appreciated, and we look forward to progress with the new Plan to recognize the ongoing and future transformation of the Arts District into a vibrant mixed-use community.

The mixed-use project contains approximately 1,800,000 square feet of floor area on an approximately 5.45-acre site. Uses include creative office space, a 236-room hotel, and 308

multi-family residential housing units. The Project would provide affordable housing consistent with Measure JJJ standards. Additionally, there would be general retail uses, restaurants, event and gallery space, and a gym. The project includes open space and has the potential to enliven the riverfront between 7th Street and the under construction 6th Street viaduct.

In addition to landscaped areas, pedestrian passageways and walkways, viewing platforms, above-grade landscaped terraces and pool decks, the project includes an innovative proposal to provide a publicly accessible multi-use deck along the Los Angeles River. This River access also harmonizes with the City's planned Park, Arts, River, and Connectivity (PARC) Improvements between the project site and the new 6th Street Ribbon of Light Bridge, with land for the PARC and Bridge operations made available through agreements with the landowners of the 670 Mesquit property.

A series of architectural renderings of the project are attached as Exhibit A.

Given the long pendency of the 670 Mesquit project, since the project EIR has been in process for some years with a Draft EIR expected in 2021, and the City's concurrent processing of the DTLA 2040 Draft Plan, we write to confirm the project's consistency with the goals of the draft plan. In addition, we propose several revisions to the draft plan that we believe are important to support further the Arts District's continuing success.

Specifically, we request the following modifications to the current draft plan.

- Restoration of the plan's zoning recommendation for the 670 Mesquit project site to the zoning proposed in the October 2019 draft of the DTLA 2040 Plan, which permitted a maximum bonus FAR of 6:1 across the entire project site and imposed no height limitation.
- Recognition of the planned new transit station to serve the Arts District at 6th Street, which is currently under review by Metro. Given the importance of transit to land use planning, we also request that the Transit Core land use designation be applied to the area within one-half mile from the planned Arts District / 6th Street Station, which includes the 670 Mesquit project.
- In order for the City to meet its housing goals, it is essential that housing be encouraged in downtown areas like the Arts District, where numerous residential projects have already been approved. Accordingly, we recommend elimination of the provisions of the proposed Industrial-Mixed 4 Use District that discourage housing and create economic barriers to affordable housing, including the draft's prohibition of construction of new general residential uses (i.e., what the plan defines as household living residential) in favor of permanent supportive housing and live-work units and its requirement that all new structures be built entirely as Type I, II or IV construction. Prohibiting wood frame construction is contrary to the affordable housing goals of the Plan.

- Incorporation of language allowing the Director of Planning to permit projects to develop floor area beyond base levels for large projects that make use of a specific plan and provide financial benefits and investments above and beyond those ultimately adopted in DTLA 2040.

### **1. The 2040 Draft EIR Should Consider the 670 Mesquit Project as Proposed.**

Reviewing the plan's Draft EIR, we noted that it does not consider the 670 Mesquit project as part of the cumulative analysis or in an alternative. Given that this project's application was submitted prior to the commencement of the plan's Draft EIR and deemed complete shortly after the Draft EIR's Notice of Preparation was issued, the plan's Draft EIR should consider the project either as part of the plan itself, as part of the cumulative impact analysis, or as part of Alternative 3, which considers an increase in development potential over the proposed plan.

By way of background, the City deemed the project's application, which includes a Vesting Tentative Tract Map and City-initiated General Plan Amendment, complete on March 3, 2017, and under LAMC Section 17.15, the project is subject to the rules and regulations in place as of March 3, 2017. The City has been processing the project's EIR at the same time as the City has been processing the Plan EIR. In the future, when the City prepares the responses to comments and the Final EIR, together with its next version of the proposed plan, we respectfully request that the project be included in the plan EIR analysis. As the current version of the plan substantially departs from that studied in the Draft EIR, the City will have ample opportunity to incorporate changes into the updated environmental review.

### **2. The Project Is Consistent With Many Objectives of the DTLA 2040 Draft Plan.**

The project is consistent with the November 2020 DTLA 2040 Draft Plan in numerous ways, and we hope that the next draft of the Plan will incorporate appropriate changes so that more complete consistency can be achieved, as further detailed below.

For example, the project features innovative architectural design along the Los Angeles River, between the iconic new multi-modal Ribbon of Light Bridge, the PARC Improvements, and the historic 7th Street Bridge. In this unique, prominent location, the project provides publicly accessible at-grade and generous above-grade open spaces that take advantage of the stepped building design, Los Angeles River frontage, nearby public improvements and opportunities for river access and panoramic views. In particular, the project creates direct pedestrian and bicycle connections that link the 7th Street Bridge with the project's proposed northern landscaped area, which would in turn connect to the City's proposed PARC Improvements and Ribbon of Light Bridge. Accordingly, the project supports DTLA 2040 Draft Plan policies to "make Downtown economically competitive through improvements to the public realm" (LU 5.3), "promote an enhanced public realm and network of pedestrian paths that connect neighboring resources, such as parks to the Los Angeles River" (LU 34.5), and "support the development of catalytic new parks and reinvestment in existing public spaces. Namely: ... 6th Street Parc" (PO 1.7).



Similarly, the Applicant proposes to redevelop underutilized, low jobs-producing storage uses with high-jobs-producing land uses that increase economic activity. In particular, the project is an office-forward development with associated high-quality employment opportunities that also provides a wide range of entertainment, restaurant, and recreational amenities. Accordingly, the project supports Hybrid Industrial General Plan Land Use Designation policies to “ensure a thoughtful mix of land uses including amenities to serve the evolving creative employee base and live/work community” (LU 31.2), “prioritize space for jobs and employment activity in Hybrid Industrial areas” (LU 32.1), and “encourage retail and restaurant uses in partnership with productive uses to promote extended hour of activity” (LU 34.3).

The project’s provision of much-needed market-rate and affordable multi-family housing also supports Hybrid Industrial General Plan Land Use Designation policies to “promote affordability through the development of a range of unit sizes” (LU 33.2) and “support affordable housing options for artists” (LU 34.6). The project’s mixed use development program also supports the DTLA 2040 Draft Plan policy to “foster healthy communities composed of mixed-income housing in proximity to transit, jobs, amenities, services, cultural resources, and recreational facilities” (LU 3.3).

The project’s overall design approach is intended to complement the industrial character of the Arts District with building materials such as concrete, steel, and glass, reflecting materials prevalent in the neighborhood, which supports the DTLA 2040 Draft Plan policies to “reinforce the distinct qualities of each neighborhood, and ensure that growth complements and is compatible with existing character and historic resources” (LU 10.2) while also featuring “innovative design that creates the preservation-worthy buildings of the future” (LU 15.4). Relatedly, the project’s incorporation of highly flexible modular space that can accommodate creative office, commercial, and residential uses, in an area rapidly transitioning from low-rise heavy industrial use to mixed use, also supports Hybrid Industrial General Plan Land Use Designation policies to “encourage the development of flexible spaces that can accommodate a variety of productive industries” (LU 31.1) and “foster the development of durable and flexible buildings that support a range of creative and productive activities, and offer live/work opportunities” (LU 34.2).

In addition, a multi-use deck over the railway property on the project’s eastside and along the Los Angeles River would create open space for the Arts District and Boyle Heights, complementing future public programming and enhancing public views of the Los Angeles River. The proposed deck supports DTLA 2040 Draft Plan policies to “identify physical interventions, such as decking over rail lines that can improve connectivity and access to the River” (PO 8.4) and “integrate direct visual access to the River in building design and site planning in the form of paseos, plazas, and open space facilities” (PO 8.5). As discussed below, this deck is an extraordinary public benefit that should be recognized with additional density as proposed by the project.

Street-level pedestrian-friendly frontages along Mesquit Street and the 7th Street Bridge will maximize building and site permeability and increase physical and visual access to the Los Angeles River and planned City improvements. The project also introduces four major

pedestrian passageways that visually connect Boyle Heights, the Los Angeles River, the Arts District, and greater Downtown and provide midblock access through the project. Extending of Mesquit Street to the south of Jessie Street creates a publicly accessible paseo. These elements support DTLA 2040 Draft Plan policies to “incentivize the inclusion of paseos through large sites to improve pedestrian access” (LU 11.3), “encourage building design that connects and orients people toward destinations and activity centers” (LU 11.4), “introduce shared street typologies for Arts District streets that preserve historic industrial characteristics while promoting access and safety for all users” (LU 34.7), and “adapt streets that are not critical to vehicular circulation to increase right-of way use for pedestrian circulation” (PO 2.2).

**3. Proposed Zoning Modifications for this Property and for the Arts District Are Too Restrictive.**

To support the project’s proposed floor area ratio, which exceeds that contemplated under the existing General Plan and zoning and the proposed DTLA 2040 Draft Plan, the project proposes a substantial public benefits package.

The project substantially exceeds the plan’s Community Benefits Program in multiple ways. The project provides on-site restricted affordable units, significant office space and job creation, substantial open space, and community facilities including a studio/event/gallery space and a potential museum. These components meet the draft 2040 DTLA’s standards for Local Affordable Housing Incentive Program, Employment Center Incentive for projects located with Community Benefits Standards Subarea A.2, Publicly Accessible Outdoor Amenity Space incentive program, and Community Facilities incentive program. Under the October 2019 draft plan, these benefits would have allowed a floor area ratio of six to one. This maximum bonus floor area ratio would have applied consistently across the entire Mesquit project site.

The project site should have consistent zoning as in the October 2019 recommendation. For the Mesquit project site specifically, the current proposal for the DTLA 2040 Draft Plan would establish a maximum bonus FAR of 6:1 for a portion of the site, 4.5:1 for another portion, and 3:1 for another portion. However, to provide the substantial benefits on a site of the project’s size, more floor area is needed than can be developed under a 3:1, 4.5:1, or 6:1 floor area ratio.

The project’s ownership and developers are particularly concerned that the most recent iteration of the draft plan has downzoned the project site (see attached graphics at Exhibit B) and imposed restrictive height limits that appear to single out this site for lower heights than comparable projects. We respectfully submit that this was not warranted for multiple reasons.

**First**, the 6th Street Viaduct Replacement project, expected to be completed in early 2022, includes the PARC Improvements, an approximately 12 acre area with open space and recreational amenities. The City and RCS VE LLC entered into an easement agreement and option for the City’s use of portions of the northern end of the 670 Mesquit Street project site. The 670 Mesquit Street project includes a proposed publicly accessible Northern Landscaped Area that would connect with the City’s proposed PARC Improvements adjacent to and beneath

the Ribbon of Light Bridge. The project also includes a landscaped balcony that would connect the Northern Landscaped Area and proposed PARC improvement to the north with an elevated pedestrian walkway or deck that would extend across the eastern edge of the project site to the 7th Street Bridge. By incorporating landscaped open space into the project's northern end and providing direct pedestrian connections linking the 7th Street Bridge with the Northern Landscaped Area and PARC Improvements, the project would expand the potential for shared use of the PARC Improvements and unite the Arts District neighborhoods and Boyle Heights communities.

**Second**, Metro has proposed a substantial investment in a rail project to serve the Arts District and the project site. Specifically, Metro is currently studying a proposed new heavy rail station near 6th Street that would serve the Arts District and surrounding neighborhoods. In June 2018, the Metro Board of Directors approved a funding agreement with the City of Los Angeles to financially support pre-design, public outreach, and the Arts District / 6th Street Station EIR, which Metro anticipates completing in late 2021. Accordingly, we request that the DTLA 2040 Draft Plan include a conditional Transit Core land use designation applicable to the area surrounding the Arts District / 6th Street Station, if approved.

We request that the project site's zoning be restored to the proposed zoning in the October 2019 draft of the DTLA 2040 Draft Plan, which permitted a maximum bonus FAR of 6:1 across the entire project site and no height limitation. The draft plan provides no reason for this substantial downzoning of the project site, and we see none. The properties on the west side of Mesquit Street are designated [MB3-CDF1-5] [IX4-FA] [-CPIO- - ].

By comparison, the draft plan spot zones the eastern side of Mesquit Street between 6th St and 7th St at a substantially lower density. Not only is this in conflict with the prior draft plan versions and the vested project, it does not reflect the substantial planned infrastructure upgrades in the project site's immediate vicinity. There should be consistent zoning for railroad adjacent properties in this area. However, if the Mid-Rise Medium 1 and Mid-Rise Broad 2 form districts are retained, the respective 18 and 5 story height limitations should be removed.

In addition, the Industrial-Mixed 4 Use District should be revised to permit new construction of household living residential uses. It is not clear why housing in the Arts District has been proposed to be so limited when the City needs all kinds of housing in all areas to build out of the current housing shortage. It is not appropriate to limit development of new housing in the Arts District to permanent supportive housing or live/work units, and we respectfully request that the plan be revised to remove this limitation on new housing in the Arts District. We also request that the Industrial-Mixed 4 Use District requirement that all new structures be built entirely as Type I, II or IV construction be removed.

**4. The DTLA 2040 Draft Plan Should Incorporate Flexibility for Large Mixed-Use Projects with Specific Plans.**

We propose that the plan should expressly provide for the inherent benefits provided by projects covering more than three acres.



This ambitious project offers a public benefits package that far exceeds the public benefit requirements set forth in the DTLA 2040 Draft Plan. While the project was proposed prior to DTLA 2040, because such projects have a unique opportunity to benefit the Arts District through their physical changes and introduction of a wide range of uses, DTLA 2040 should expressly acknowledge that through a Specific Plan, projects can develop floor area beyond base levels and provide financial benefits and investments above and beyond those ultimately adopted in DTLA 2040.

To give the City flexibility with respect to large and unique development opportunities, we recommend that the City adopt language allowing the Planning Director to approve floor area ratio above the plan's base standards in certain circumstances. Specifically, we propose a footnote be added to the DTLA 2040 Draft Plan that allows for the Planning Director to approve a floor area ratio and height above the plan's base standards when a specific plan has been initiated for a project that exceeds three acres in area and upon a finding that the project exceeds the job creation and public benefits provisions of the plan's Community Benefits Program.

This flexibility will allow the City to facilitate large and transformative projects on large sites that offer extraordinary public benefits, helping to achieve a sustainable, equitable, and inclusive future for Downtown. The increased flexibility is also needed to aid Downtown's recovery from the deep impacts of the COVID-19 pandemic and the ongoing housing and homelessness crisis.

The project at 670 Mesquit is one of such projects and we look forward to working with the City in its consideration of a project that furthers the City's vision for the Arts District, the Downtown community, and the whole City of Los Angeles.

Finally, recognizing that the City has been conducting environmental review for this project for several years and the project is already well along in the environmental review process, after the City initiated a General Plan amendment for the project and deemed its applications complete, the DTLA 2040 Plan's EIR should reflect the project as part of its overall environmental review.

Thank you for your time and your consideration of these issues. We would be happy to discuss them with you further.

Very truly yours,



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Benjamin J. Hanelin  
of LATHAM & WATKINS LLP

**LATHAM & WATKINS** LLP

cc: Mr. Michael LoGrande  
Mr. Frank Gallo  
Mr. Zach Vella  
Cindy Starrett, Esq.  
Derek Galey, Esq.

**Exhibit A – Project Renderings**

























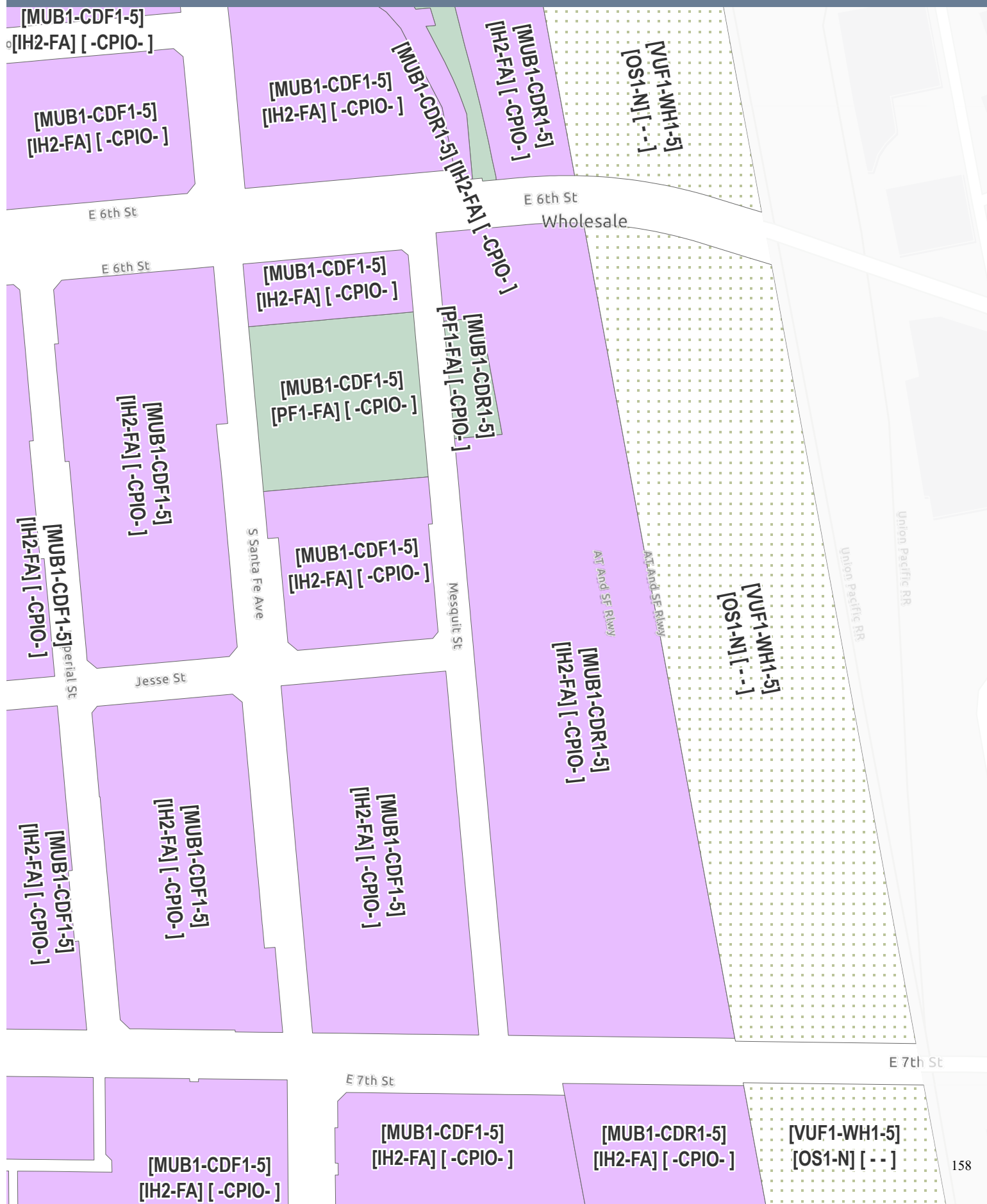






**Exhibit B – Project Site Downzoning**







LAW OFFICE OF JOHN P. GIVEN  
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December 4, 2020

VIA EMAIL ONLY

Brittany Arceneaux, City Planner  
City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
[brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

RE: Downtown Community Plan Update /  
New Zoning Code for Downtown Community Plan  
Comments on Draft Environmental Impact Report  
Case Nos. ENV-2017-433-EIR, CPC-2017-432-CPU, CPC-2014-1582-CA

Dear Ms. Arceneaux:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (“DEIR” or “Draft EIR”) for the Downtown Community Plan Update (“DTLA Community Plan,” “Community Plan,” or “Downtown Plan”) and the New Zoning Code for the Downtown Community Plan. This comment letter is submitted on behalf of Arts District Community Council Los Angeles (“ADCCLA”).<sup>1</sup> ADCCLA appreciates that the Department of City Planning extended the DEIR comment period to December 4, 2020, to allow a more complete review of the lengthy Draft EIR and related project documents.<sup>2</sup>

As a preliminary matter, please ensure that my office receives all project-related notices including electronic notices, which may be emailed to [REDACTED].

### General Comments

The DEIR explains that it is an informational document to inform decision-makers and members of the public as to significant environmental effects, to identify feasible ways to minimize or avoid these effects, and to describe a reasonable set of project alternatives. (DEIR, p. 1-2.)

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<sup>1</sup> ADCCLA notes that the project area for the Community Plan is the proposed Community Plan area, which is the combined areas of the existing Central City Community Plan and Central City North Community Plan, while the project area for the New Zoning Code is Citywide. (DEIR cover and pp. 3-3 to 3-4, 3-6 [Figure 3-2].)

<sup>2</sup> The related documents reviewed in preparation for this comment letter include but are not limited to the November 2020 Draft Downtown Community Plan, the Fall 2020 Downtown Draft Zoning Maps, the Draft General Plan Land Use Designation Map, the November 12, 2020 Public Hearing Draft of the New Zoning Code (“11/12/20 New Zoning Code” or “New Zoning Code”), the Fact Sheets published during Summer 2020 for both the Downtown Plan and New Zoning Code, and the Fall 2020 Draft Community Plan Implementation Ordinance (“Draft CPIO”), among other documents.



ADCCLA members understand that the degree of specificity and detail provided in the environmental review of a community plan or zoning ordinance may be less than for a specific project where impacts can be more easily identified and mitigated, and that the secondary effects are properly the focus of the review of a general policy or plan. (*Id.*, see 14 Cal. Code Regs. [“CEQA Guidelines”], § 15146.) The inability to provide exacting environmental review, however, does not excuse the City from making its best efforts. The California Environmental Quality Act (“CEQA”) requires “adequacy, completeness, and a good faith effort at full disclosure.” (CEQA Guidelines, § 15151.)

1, cont.

The DEIR notes that “[n]o new development would be entitled or built as a direct result of adopting the Downtown Plan. Future development projects would require additional discretionary and/or ministerial approvals.” (DEIR, p. 3-3.) This is a somewhat misleading statement, implying that additional environmental review would follow any and all project-specific applications if the Downtown Plan is adopted. But ministerial (aka “by right”) projects are entirely exempt from environmental review under CEQA. (Public Resources Code, § 21080(a).) If a project complies with the existing zoning code framework and does not include any discretionary entitlement requests, applicants generally have the right as a matter of law to obtain the requisite permits to construct their project without undertaking environmental review. There can be little question that some projects will be built in the Downtown Plan area following its adoption. The current environmental review process for the Downtown Plan and New Zoning Code will likely be the *only* environmental review for future ministerial projects in the plan area so long as they are not in conflict with the General Plan or applicable zoning codes.

The DEIR also notes that social and economic impacts are not necessarily considered environmental impacts. (DEIR, p. 1-3.) But it is not uncommon for a physical change to be triggered as a secondary impact due to economic or social effects, for example, development of a shopping center may cause deterioration of areas with competing businesses located elsewhere. (See generally, *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151.) The paramount consideration in the review process is identification of reasonably foreseeable probable future projects that are likely to occur due to adoption of the community plan. (*Id.*, 172 Cal.App.3d at 168.)

Based on longstanding residential development pressure and recent changes to development patterns in the Central City North Community Plan area, especially in and around the Arts District community, there can be little doubt that additional residential projects will be built in this area. The economic effect of this activity is likely to increase the land value, and the social effect will likely be a continued increase in the desirability of the area for residential development and related uses. It is reasonably foreseeable that these continued economic and social pressures will result in the potentially significant environmental impact of displacing *industrial* uses to other parts of the City and region. Displaced uses are undoubtedly cognizable as environmental impacts, and are likely to occur due to adoption of the project. (See *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 383: “[N]othing inherent in the notion of displaced development places such development, when it can reasonably be anticipated, categorically outside the concern of CEQA.”) Despite the recent

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development trends, which the DEIR anticipates will continue (see DEIR, p. 3-14; see also discussion, DEIR, p. 4.10-21), the City has not studied the potentially significant impact of displaced industrial uses.

2, cont.

The Final EIR should analyze the potentially significant secondary effects resulting from industrial displacement to other parts of the City and region or, like the DEIR, it will be incomplete and therefore inadequate.

### **Aesthetic and Cultural Resource Impacts**

Arts District community members are particularly troubled by potentially significant aesthetic and cultural resource impacts to currently undesignated historical resources in the Downtown Plan area, especially in and around the Arts District neighborhood.

The DEIR describes building heights in the Downtown Plan area as they move from west to east from skyscrapers in the Financial District to one to three story buildings in industrial areas further east along the LA River. (DEIR, p. 4.1-60.) The Arts District is currently predominantly zoned M3 with an FAR of 1.5:1. (DEIR, p. 3-14.) But shade and shadows from new development would be especially impactful in the Arts District area in the Downtown Plan, because “average building heights and associated shadows would increase in the [Hybrid Industrial] area due to the higher permitted FAR” in the Downtown Plan. (DEIR, p. 4.1-69.) Moreover, the DEIR fails to consider shade and shadow impacts on the Los Angeles River, which is adjacent to the Hybrid Industrial part of the Downtown Plan, and an important resource in the community plan area, subject to many years of deliberation and substantial planning efforts. (See, e.g., DEIR, p. 4.10-50, describing the RIO District and Los Angeles River Restoration Master Plan.) The project environmental review should consider shadow impacts on the river.

3

The DEIR fails to adequately analyze the impact of the Community Plan Update and New Zoning Code on historical resources. The DEIR identifies one of the relevant general plan aesthetics policies from the Conservation Element, which is especially applicable to the Arts District area: “Continue to encourage and/or require property owners to develop their properties in a manner that will, to the greatest extent practical, retain . . . unique scenic features” such as historic features. (DEIR, p. 4.1-48.) A considerable portion of the existing Arts District is included as part of the “Downtown Los Angeles Industrial Historic District, which is an “Eligible-but-not-Designated Resource[] (DEIR, p. 4.4-21, Figure 4.4). In addition, the Arts District contains several designated Historic Cultural Monuments. (DEIR, p. 4.4-15, Table 4.4-4.)

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Despite the Arts District’s high historical resource value collectively and the value of individual resources in and around the Arts District, as well as the DEIR’s conclusion that changes to the height, scale, and density in the Hybrid Industrial designated area “would represent a change in [its] visual character,” the DEIR fails to include any comparison photographs of existing conditions and views with potential future development among the views depicted in the DEIR.

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(See DEIR, pp. 4.1-67 to 4.1-67.) This deprives decision makers and members of the public the opportunity to better consider how shadows and massing would impact the resource area. (DEIR, p. 4.1-70.) In addition, despite the great importance of the Los Angeles River to this part of the City, there are no photos depicting comparisons of existing conditions adjacent to or across the Los Angeles River with potential future development. If the Hybrid Industrial area is among those areas that have the most visual character impacts, it is especially important that the EIR properly document the existing conditions and provide at least some comparison with potential future development as has been done for other neighborhoods in the plan area. (DEIR, pp. 4.1-67 to 4.1-67.) These are significant omissions and should be corrected in the Final EIR.

5, cont.

The DEIR goes so far as to speculatively consider the visual character changes as potentially positive: “However, future development would *likely* benefit and improve the visual character and quality in some of these areas . . .” (*Ibid.*) There appears to be no evidence in the environmental or other documents to support this speculation.

One of the purposes of the Downtown CPIO District is to “preserve and protect neighborhood identity, including protecting cultural and historic resources and distinctive character defining elements of existing urban form.” (Draft CPIO, p. 3.) Community members are especially frustrated that the City’s significant work toward creating a best practices paradigm in Appendices B-E of the Draft CPIO are not mandatory, even for discretionary entitlements. (Draft CPIO, p. 11, Section I-10.) Given that the purpose of the Downtown CPIO includes preservation of neighborhood character and the CPIO and DEIR identify the Arts District as deserving of special attention, the City should strongly consider whether all or part of these best practices should be implemented as mandatory requirements.

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Even more troubling, the DEIR mistakenly concludes that “[f]uture development in Hybrid Industrial designated areas would be subject to zoning requirements regarding articulation, entrances, entry-features and transparencies as well as allowable materials that would reinforce the historic industrial character of this area.” But the Draft CPIO makes clear these requirements are *not* mandatory. (See Draft CPIO, p. 11, Section I-10: “Nothing in this section, the Downtown CPIO District, or any other applicable citywide design guidelines, shall allow decision makers to approve, deny, or condition a discretionary approval based on these best practices.”) Due to this misunderstanding, a potentially significant cultural resource impact appears to have been entirely overlooked, making the DEIR’s cultural resource analysis incomplete and inadequate.

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The DEIR concludes that the cumulative impact analysis for historical resources results in a significant and unavoidable impact (DEIR, p. 4.4-48), and “[n]o feasible mitigation measures have been identified to mitigate” this impact. (DEIR, p. ES-17, Table ES-3.) Arts District-related impacts might be mitigated to some degree by actually requiring the non-mandatory best practices identified in Appendix C for the Arts District area to be imposed as a mitigation measure. In addition, visual character degradation could possibly be lessened by imposing some control on the number of buildings permitted to take advantage of development bonuses within a certain distance of one another or within a particular area. Such controls are already imposed on certain types of uses in the New Zoning Code. (See, e.g., 11/12/20 New Zoning Code, p. 5-107, ↓

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Sec. 5B.8.4(B), “Allowed Uses & Use Limitations” [treatment of Homeless Shelters within IX4 zones, which can be no closer than 300’ from another Homeless Shelter use].)

To adopt a Statement of Overriding Considerations, the City must find there is no feasible mitigation measure that would avoid or substantially mitigate the significant impact. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524, discussing Pub. Resources Code, § 21081(b).) This finding must be supported by substantial evidence. (14 Cal. Code Regs., § 15093(b).) The City should also note that “[t]he inclusion of a mitigation measure that reduces an environmental impact is permitted even if the measure will not reduce the impact to a level below the threshold of significance.” (*Sierra Club*, 6 Cal.5th at 525.)

8, cont.

As the project continues through the environmental review process toward a Final EIR, the City should continue to consider additional mitigation measures that might significantly mitigate unavoidable impacts, and should consider imposing mitigations even if they do not reduce impacts below the threshold of significance.

## Land Use Impacts

The DEIR acknowledges the importance of the General Plan Framework Element: “The City’s General Plan Framework Element (GPF) establishes the overarching guide for how Los Angeles will grow in the future. Adopted in 1996 and again in 2001, the Framework Element is a strategy for long-range growth and development, setting a citywide context for the update of Community Plans and citywide elements.” (DEIR, p. 4.10-11.)

The DEIR’s analysis of land use impacts includes a very generalized discussion of the General Plan Framework Element. It discusses strategic growth, conservation of existing residential neighborhoods, balancing the distribution of land uses, enhancing neighborhood character through improved development standards, creating more parks, pedestrian districts, and public plazas, improving mobility, and identifying a hierarchy of commercial districts and centers. (DEIR, pp. 4.10-11 to 4.10-12.) But the land use analysis related to the Framework Element unfortunately avoids delving into most specific policy details with respect to industrial land use designations and zoning, leading to an incomplete and therefore inadequate analysis.

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The DEIR concludes that there is a less than significant impact in the land use analysis review category. The DEIR’s analysis is incomplete, however, as it neglects full consideration of the City’s industrial land use policy as expressed in the Framework Element. This causes the DEIR to fail as an informational document. In addition, the DEIR’s Secondary Objective 2 seeks only to “[m]aintain a meaningful amount of the Plan Area that is dedicated to production and high-intensity traditional industry.” (DEIR, p. ES-3.) Not only is “meaningful amount” incredibly vague, Secondary Objective 2 is in direct conflict with industrial land use policy as expressed in the existing Framework Element. Thus, the DEIR’s conclusion that the Downtown Plan would cause a less than significant impact is incorrect. (DEIR, p. ES-33, Table ES-3; see also DEIR, p. 4.10-28.)

The DEIR states:

“Consistent with the General Plan Framework Element, land for industrial uses would be retained under the Downtown Plan. The proposed Production designation would protect and sustain industrial activity and serve as a center of employment for heavy industrial, manufacturing and storage, heavy commercial and light industrial activity, including production, wholesale and distribution uses.” (DEIR, p. 4.10-21.)

But the proposed Downtown Plan is actually *inconsistent* with the General Plan Framework Element, which calls for preservation of industrial designations and uses, and allows for conversion only where planning studies have been done to justify conversion to other uses. (Los Angeles General Plan Framework Element, Chapter 3.)<sup>3</sup>

The City undertook such a study of industrial land during the early to mid-2000s, culminating in a series of policy recommendations intended to preserve industrial land as still reflected in the General Plan Framework. In a December 2005 memo to the City’s General Managers and other City leaders engaged in land use policy work, Former Deputy Mayor Bud Ovrom called attention to what he deemed a growing crisis caused by the “increasing pressure to convert the City’s industrial zones to alternative land uses.” (Memorandum from Deputy Mayor Bud Ovrom to General Managers, Dec. 12, 2005, p. 1.)<sup>4</sup> In the memo, Ovrom noted:

Los Angeles’ industrial jobs occur on a very small fraction of the 464 square miles that make up the City. Only 8% of our city is zoned for industrial use, primarily in 5 concentrations: Greater Downtown, the Westside, Hollywood, the railroad corridor across the Valley, and the Harbor. These industrial areas are a precious resource that, if lost or severely compromised, will be impossible to recreate. (*Id.*, pp. 1-2.)

Following up on this policy concern, the City investigated further and published a comprehensive study and policy recommendations in 2007. (See generally, Los Angeles Department of City Planning and Community Redevelopment Agency, Los Angeles’ Industrial Land: Sustaining a Dynamic City Economy (Dec. 2007).)<sup>5</sup> The City’s 2007 industrial land use policy study concluded:

Competition for industrially zoned land in Los Angeles is extremely high; industrial land in the City has the lowest vacancy rate in the nation, remaining consistently below two percent. Yet the supply of these critical job-producing areas is becoming increasingly scarce as non-industrial uses such as residential,

<sup>3</sup> Available at: <http://cityplanning.lacity.org/cwd/framwk/chapters/03/03209.htm>.

<sup>4</sup> Available at City Planning’s website (last checked, December 4, 2020): [https://planning.lacity.org/code\\_studies/landuseproj/Industrial\\_Files/AttachmentC.pdf](https://planning.lacity.org/code_studies/landuseproj/Industrial_Files/AttachmentC.pdf).

<sup>5</sup> The land use study remains available at the City Planning’s website (last checked, December 4, 2020): [https://planning.lacity.org/Code\\_Studies/LanduseProj/Industrial\\_Files/Attachment%20B.pdf](https://planning.lacity.org/Code_Studies/LanduseProj/Industrial_Files/Attachment%20B.pdf).

big-box retail, schools, open space and recreational facilities continue to encroach on industrial land. Currently, 26 percent of Los Angeles' industrial land is already used for non-industrial purposes, leaving just six (6) percent of the City's total land area available for active industrial uses. In Downtown Los Angeles, West Los Angeles and increasingly in Hollywood, residential developers have purchased industrial properties to convert them to high-end housing, creating speculative markets that result in increasing land prices and uncertainty about future land use decisions, making it difficult for our most important industries to do business in Los Angeles and for new industries to have the confidence to invest. (*Ibid.*, p. 4.)

As of 2007, Los Angeles had less than 1,400 acres of land zone for heavy manufacturing. (Los Angeles' Industrial Land: Sustaining a Dynamic City Economy, p. 10.) More than a quarter of all industrially zoned land in the City was then being used for non-industrial purposes, a number that has almost certainly increased since then due to the constant pressure in the Arts District and other industrially zoned neighborhoods, and due to the many projects approved that have converted industrially zoned land to other uses. (*Id.*, p. 4.) The City appears not to have precisely quantified this significant loss in the intervening years since the last major study.

9, cont.

Nonetheless, the standing policy of the City remains as it existed in early 2008, “to retain industrial land for job producing uses, as established in the adopted General Plan Framework and Community Plans.” (Memorandum from S. Gail Goldberg, Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential or Other Uses, January 3, 2008, p. 1 [emphasis in original].)<sup>6</sup>

The DEIR correctly notes that “[a]n EIR is an informational document that will inform decision-makers as well as members of the public of the significant environmental effects of a project.” (DEIR, p. 1-2.) It is noteworthy that the DEIR fails to describe the limitations within the General Plan Framework on the process by which the City may change its current policy calling for preservation of the industrial land base. The DEIR also fails to provide sufficient detail to compare what is permitted within existing use and zoning designations (the project “baseline”) with what will be permitted if the proposed Downtown Plan and applicable New Zoning Code is adopted. The DEIR therefore fails as an informational document.

It is useful to compare the existing industrial acreage in the Downtown Plan area with that proposed Downtown Plan. The DEIR provides two tables showing the acreage of industrial land designations in the current and proposed community plans to aid in the comparison. While helpful, the comparison is rather opaque, since the new plan uses relabeled land use designation categories that do not necessarily correspond to the uses implied by their labels.

9, cont.

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<sup>6</sup> This memo is also available on City Planning's website (last checked Dec. 4, 2020): [https://planning.lacity.org/code\\_studies/landuseproj/Industrial\\_Files/StaffDirections.pdf](https://planning.lacity.org/code_studies/landuseproj/Industrial_Files/StaffDirections.pdf).

|                       |              |
|-----------------------|--------------|
| <b>Industrial</b>     | <b>1,520</b> |
| Commercial Industrial | 15           |
| Light Industrial      | 8            |
| Light Manufacturing   | 559          |
| Heavy Manufacturing   | 829          |
| Hybrid Industrial     | 109          |

*Detail from Table 4.10-1, Summary of Existing Land Use in the Downtown Plan Area*

|                   |              |
|-------------------|--------------|
| <b>Industrial</b> | <b>1,372</b> |
| Production        | 557          |
| Hybrid Industrial | 426          |
| Markets           | 389          |

*Detail from Table 4.10-2, Summary of Proposed Land Use in the Downtown Plan Area*

Because of the differing designations and underlying available uses, it is difficult for a decision maker or member of the public to understand the effects of adoption of the Downtown Plan, especially with respect to the Framework Element’s overriding goal of preserving industrially zoned land and any resulting land use impacts. The most readily apparent difference is the significant reduction in land zoned to allow heavy manufacturing uses. The existing Heavy Manufacturing designation currently applies to 829 acres. But the Production designation, the only land use designation theoretically allowing heavy industrial uses in the proposed Downtown Plan, is only 557 acres, a reduction of 272 acres. But the Production designation allows a fairly broad range of uses, including heavy industrial but also allowing “evolving and innovative industries, such as light assembly and manufacturing, clean technology, incubators, and research and development facilities.” (DEIR, p. 4.10-23.) The potential loss to the City’s heavy manufacturing base could be substantially greater than 272 acres, and no land use studies required by the Framework Element support the decision to allow such conversions to occur.

It may be fair to consider the “Market” designation as at least quasi-industrial, because it includes warehouse uses (see 4.10-23), but that designation also “include[s] retail, limited housing, and good movement activities.” Some of these activities may also support nearby industrial use, but otherwise these are all non-manufacturing uses. Likewise, the revised Hybrid Industrial designation will allow live/work, light industrial, commercial, and office. (DEIR, p. 4.10-23.) While live/work spaces are theoretically job-producing, there is understandable skepticism that many such projects are not being utilized as live/work spaces, but rather are simply a different form of primarily residential development. (See, e.g., Shane Phillips email to Bryan Eck, *DTLA 2040 EIR scoping period* comments, March 4, 2017, p. 2, included in DEIR Appendix A.)<sup>7</sup>

<sup>7</sup> ADCCLA is pleased and appreciative, however, that its recommendations to increase the minimum average unit size to 1,000 square feet, among other modifications, was adopted in the IX4 use designation, which will provide for adequate space for true live/work utilization of live/work spaces for



The DEIR shows there is a significant loss of industrially designated and zoned land between the existing community plan and the proposed Downtown Plan. This is in conflict with the General Plan Framework Element, and is itself a significant land use impact that has not been identified or mitigated. In addition, Los Angeles continues to have low industrial vacancy rates, with a 1.3% vacancy rate and 21 consecutive quarters below 2%.<sup>8</sup> The low vacancy rate and reduction in industrial base makes it highly likely that a secondary impact of the proposed Downtown Plan will be displaced industrial uses in the City or region. If the City followed the General Plan Framework's edict to study conversion of industrially zoned land to other uses, it likely would have identified the potentially significant environmental impact as well as the reasonably foreseeable secondary impacts due to displacement. The DEIR is therefore inadequate for failing to identify the potentially significant impact and attempting to mitigate its impacts to a level less than significant.

Even though the text of the Downtown Plan DEIR claims it is consistent with the General Plan Framework Element, the tabular data included in the DEIR acknowledges that, at best, the Downtown Plan is only *partially consistent and partially inconsistent*. (DEIR, pp. 4.10-30 to 4.10-31.) The DEIR admits:

Allowing new residential uses would potentially be in conflict with Framework Element Policy 3.14.4 which encourages the City to "limit the introduction of new commercial and other non-industrial uses in existing commercial manufacturing zone to uses which support the primary industrial function of the location in which they are located." Additionally, it may be in conflict with the language in the Framework Element that calls to "preserve industrial lands for the retention and expansion of existing and attraction of new industrial uses that provide job opportunities for the City's residents." (*Ibid.*, p. 4.10-31.)

But the DEIR fails to call attention to the requisite studies needed before industrial land may be converted to other uses.

The DEIR's conclusion that cumulative land use impacts are less than significant is due to the DEIR's incomplete analysis of the General Plan Framework's industrial land use policies, especially the policy to preserve industrial uses and to allow industrial conversion to other uses only after appropriate studies are undertaken. (General Plan Framework, Chap. 3, *infra*, note 3.)

ADCCLA believes a reasonable mitigation to ensure job producing uses are best preserved, consistent with the General Plan Framework element, is to ensure projects requesting development bonuses maintain at least 1.5 FAR for productive uses, exclusive of square footage maintained as private work space within live/work dwelling units.

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productive use. The IX3 designation is unfortunately less restrictive and still allows a minimum average unit size of only 750 square feet.

<sup>8</sup> See Kelsi Maree Borland, *Los Angeles Leads Nation in Industrial Vacancy*, GlobeSt.com, Jan. 21, 2020, available at: <https://www.globest.com/2020/01/21/los-angeles-leads-nation-in-industrial-vacancy/> (last checked Dec. 4, 2020).

9, cont.

## The Draft Community Plan Implementation Ordinance and New Zoning Code

The DEIR provides only a generalized analysis of the New Zoning Code and Draft CPIO, but there are several important issues that deserve further consideration in the Final EIR.

Most important, Article 13 of the New Zoning Code, dealing with administrative procedures, is not included as part of the New Zoning Code exhibit in Appendix G of the Draft EIR, even though it will be applicable to the Downtown Plan area. (DEIR, Appendix G, p. 3.) The DEIR notes that Planning is currently undertaking an update to the current zoning code's administration provisions, with the intention to carry those updated provisions forward. (DEIR, p. 3-53.) The fact that the language is missing makes any meaningful environmental analysis of this section impossible. The City's general assurance of its intention to carry forward items that are not yet drafted, let alone approved, does not substitute for analysis of the actual language from the administrative section. The DEIR and project documents fail to provide even an estimated timeline for completion of this portion of the zoning code. Environmental review of the New Zoning Code is thus necessarily incomplete and inadequate. More important, by failing to proceed with the DEIR while it is missing important project-related language, public commenters are robbed of the opportunity to have the City consider and respond in writing to any concerns they might have raised in response to reviewing the draft language for the Administration portion of the Zoning Code, as required by CEQA.<sup>9</sup>

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The draft Community Plan Implementation Ordinance makes repeated reference to Article 13. (See, e.g., Draft CPIO, pp. 7-9, Sections I-6(B), I-6(C)(1)-(5), I-7(A), II-3(A)(4), and especially Section II-8, which relates to the setting of a very high Project Review Threshold for Community Benefit Projects.)<sup>10</sup> Commenters can only guess at the possible potentially significant impacts that might arise from modifications to the procedures compared to the procedures in the existing zoning code. Our California Supreme Court has held that the environmental review process is intended "to demonstrate to an apprehensive citizenry that the [City] has, in fact, analyzed and considered the ecological implications of its action." An EIR "is a document of accountability . . . protect[ing] not only the environment but also informed self-government." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.)

The City's failure to present at least a basic draft of administrative procedures violates the City's obligation to disclose project details so that the EIR's informational function can be fulfilled. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517.) Public participation and

<sup>9</sup> "The lead agency *shall* consider comments it receives on a draft environmental impact report . . . if those comments are received within the public review period." (Public Resources Code, §§ 21091(d)(1) (emphasis added).) "With respect to the consideration of comments received on a draft environmental impact report, the lead agency shall evaluate comments on environmental issues . . . and shall prepare a *written* response . . ." (Public Resources Code, §§ 21091(d)(2)(A) (emphasis added).)

<sup>10</sup> Compare to the existing municipal code, which calls for Site Plan Review for development projects resulting in an increase of 50 or more dwelling units or guest rooms, or 50,000 square feet of non-residential development, which is 1/10 the proposed review threshold for Community Benefits Program projects. (Los Angeles Municipal Code, § 16.05)

awareness are not served when critical project-related documents are incomplete or not included with the environmental review document.

10, cont.

### **Potentially significant impacts following expiration of restricted uses**

The DEIR appears not to analyze certain features of the New Zoning Code's General Incentive Programs. For example, Section 9.3.4 subdivision B includes references to bonuses provided for inclusion of Child Care Services, Full Service Grocery Stores, Health Centers, Employment Centers, Schools and Libraries, Social Services, and Public Facilities. (11/12/20 New Zoning Code, p. 9-29 et seq.) But in each case, the particular project benefit that allows the grant of bonus floor area is only required to remain for a period of 10 years following issuance of the project's Certificate of Occupancy. (*Id.*) Neither the proposed zoning code nor the DEIR explain or analyze how the subsequent use will be assured to be not more impactful than the approved use such that it will not later cause a potentially significant environmental impact.

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### **Protecting the unique Los Angeles River resource**

ADCCLA members are greatly concerned that the proposed Downtown Plan does not reflect the true importance of the Los Angeles River to the community plan area and City, and especially to the Arts District neighborhood. The DEIR notes that the "Los Angeles River is an important ecological feature" to the community plan area and to the Arts District. But while the DEIR establishes that there are no Significant Ecological Areas in the Downtown Plan area, it also indicates that the "Los Angeles River, as well as small portions of parks and open space, trees and minor urban landscaping, are the *only sources of biological habitat* in and around the Downtown Plan Area." (DEIR, p. 4.3-1 (emphasis added).) Further, even though the LA River is channelized as it runs through this part of the City, it is still identified as a wetland in the DEIR. (DEIR, p. 4.3-7, Figure 4.3-1; see also DEIR, p. 4.3-20.) This biological habitat is especially vital to the Downtown Plan, given its general scarcity in the planning area, and therefore especially worth preserving.

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The DEIR concludes that "[r]easonably anticipated development from the Downtown Plan would not directly or indirectly affect the Los Angeles River." (DEIR, p. 4.3-20.) ADCCLA disagrees with this conclusion, in that projects located adjacent to the river benefiting from development bonuses under the Downtown Plan and Zoning Code may be tall enough to cast shadows on, and obscure views from and across the river. While the LA River in this part of the City may not be formally considered a scenic view or scenic resource, ADCCLA contends it is a unique and valuable resource most worthy of preservation and planning efforts. The City's planning process is very shortsighted in not considering that the LA River may one day be considered a scenic view or resource. The City should ensure that the Downtown Plan includes sufficient long-range vision not to foreclose such future possibilities, and should plan for this unique resource accordingly, by including all river-adjacent parcels, including all public facilities, in the formal planning process, and properly limiting massing, especially height, along the river.

### **Additional Concerns**

Finally, ADCCLA members feel that no discretionary project currently under review in the community plan area should be approved without considering its relationship to the proposed plan. While vested projects are certainly entitled to proceed under the existing community plan and zoning code, City decision makers retain the discretion to ensure that those projects comply fully with the existing municipal code without providing additional discretionary approvals and bonuses that would unfairly undercut the many years of work on the proposed Downtown Plan and New Zoning Code. This is especially true of projects that are grossly out of scale with both the existing and proposed community plans. (See DEIR, p. 4.1-60, describing the “decrease in average height moving from west to east across the Downtown Plan Area,” with the tallest skyscrapers in the Financial District, moderate building heights of three to thirteen stories in the Center City area, three to five story buildings in the Industrial, Manufacturing and Wholesale District, and one to three stories in industrial areas furthest east along the LA River.)

### **Conclusion**

Based on the above, the DEIR for the proposed Downtown Plan and New Zoning Code is currently inadequate, because it is incomplete in numerous respects, includes unsupported speculation, but most important, fails to identify and analyze all potentially significant environmental effects, particularly with respect to impacts in categories of aesthetics, cultural (historical) resources, and land use. ADCCLA looks forward to continuing to work with the Department of City Planning to ensure that the Final EIR is a complete and adequate environmental review document that will ensure the successful adoption of the project, which will serve the Arts District and other communities in the Downtown Los Angeles area for the next twenty years.

Sincerely,



John Given

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December 4, 2020

**VIA EMAIL**

Mr. Craig Weber  
 Principal City Planner & Division Head  
 Community Planning

Ms. Brittany Arceneaux  
 City Planner

Department of City Planning  
 200 N. Spring Street  
 Los Angeles, CA 90012

Re: Los Angeles Aerial Rapid Transit Gondola Connecting Union Station and Dodger Stadium: Consistency with DTLA 2040 Community Plan Update and Comments on DTLA 2040 Plan DEIR (ENV-2017-433-EIR)

Dear Mr. Weber and Ms. Arceneaux:

We write to you on behalf of our client, Aerial Rapid Transit Technologies LLC (“ARTT”), who in 2018, through the Office of Extraordinary Innovation of the Los Angeles County Metropolitan Transit Authority (“Metro”), proposed an aerial rapid transit gondola system connecting Union Station and Dodger Stadium (the “Project” or “LA ART”). In May 2019, ARTT and Metro entered into a Memorandum of Agreement in which Metro agreed to act as lead agency under the California Environmental Quality Act for the environmental review process for the Project. LA ART began the public environmental review process in October 2020 with Metro’s issuance of a Notice of Preparation (“NOP”), which is attached for your information. Recognizing that the City is in the process of updating the Downtown region’s Community Plans through the DTLA 2040 Draft Community Plan (“Draft Plan”), we request that LA ART, which is primarily located in the Draft Plan area, be appropriately acknowledged within the DTLA 2040 Community Plan and the Draft Plan’s final environmental impact report (“FEIR”).

The importance of integrating transportation planning into the Draft Plan has been acknowledged by both Metro and the City, in that Metro has contributed funding to the City for preparation of the Draft Plan. As the Draft Plan recognizes, “the primary purpose of a

Community Plan document is to provide a long term vision for land use, growth and development in each community of Los Angeles,” addressing “transportation options, as well as environmental and economic sustainability.” (Draft Plan, Chapter 2, p. 18.) In light of this long term visionary planning, consideration of LA ART as a new and innovative means of transit within the Draft Plan to provide greater transportation options in Downtown is fully appropriate.

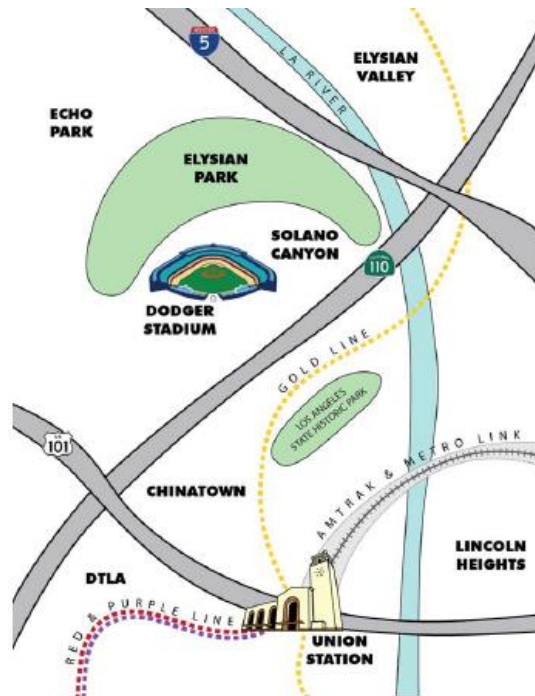
LA ART is proposed to directly link Dodger Stadium to the Los Angeles region’s public transit hub at Union Station – housing Metrolink, Metro’s Red, Gold, and Purple lines, the upcoming Regional Connector and supporting bus, and bicycle and pedestrian connections – increasing mobility options and benefiting the economy and the environment. As discussed in greater detail below, while LA ART is consistent with many of the goals and policies of the Draft Plan and the Draft Plan’s draft environmental impact report (“DEIR”) Project Objectives and language concerning increasing transit options and connectivity in the Plan area, we respectfully request that the Draft Plan and FEIR accommodate and acknowledge LA ART.

As one such change, given LA ART’s significant benefits as an environmentally friendly transit option that would provide a link between Downtown Los Angeles’ public transit hub and communities surrounding Dodger Stadium, we request that the Plan include a definition for “Aerial Rapid Transit” uses, or that the “Transit Terminal” use definition be revised to allow for aerial rapid transit, ensuring the Project is considered within the Plan. Consistent with this revision, the Draft Plan’s FEIR should consider LA ART in its discussion of existing Downtown neighborhoods. Details on these requests are set forth below, together with additional LA ART background.

### **Project Background and Benefits**

As noted above, LA ART would directly link Dodger Stadium to Union Station, providing the first permanent public transit link to Dodger Stadium since it opened in 1962. LA ART offers the capacity to move approximately 5,500 people per hour per direction using environmentally friendly, zero-emission technology, removing game-day automobile traffic from neighborhoods including Chinatown, Elysian Park, Echo Park, and Solano Canyon, as well as SR-110 and other state highways.

The Project area is depicted below, and would begin with a station at Union Station and end at a station at Dodger Stadium.



The proposed route would primarily be over public right-of-way and travel generally from Union Station along Alameda Street, Spring Street, over the Los Angeles State Historic Park, Bishops Road, and over SR-110 to Dodger Stadium. As part of the environmental review process with Metro, and as detailed in the attached NOP, two potential alternative routes that could also provide transit service through an intermediate station located adjacent to the Los Angeles State Historic Park are being considered (the Spring Street Alignment and Broadway Alignment).

In the Spring Street Alternative, near the intersection of Spring Street and Ann Street, the aerial gondola route would head northwest with a Park Station on Spring Street and fly over the Los Angeles State Historic Park, as shown in the attached NOP.

In the Broadway Alternative, the aerial gondola system would fly over the Los Angeles State Historic Park near the Metro L Line (Gold) right-of-way, providing local transit service with an intermediate station at the intersection of North Broadway and Bishops Road, as shown in the attached NOP.

LA ART could remove up to 3,000 cars on Dodger game or event days, enhancing community safety and resulting in air quality improvements and GHG emissions reductions. In addition, LA ART's station at Dodger Stadium could provide additional connectivity for LA ART riders to access Elysian Park through public transit, which is not currently possible.

LA ART would attract new riders to the Metro system by providing a unique experience connecting to Dodger Stadium. It is envisioned that LA ART would serve existing residents,



workers, and visitors from local communities, as well as attract visitors and tourists from across the region and around the world.

### **LA ART Is Consistent with DTLA 2040 Draft Plan Goals and Policies and the Draft Environmental Impact Report's Objectives to Incentivize Transit**

#### ***The Draft Plan's Guiding Principles and DEIR's Project Objectives Recognize the Importance of Transit and Improving Connectivity***

LA ART is consistent with the Draft Plan's guiding principles for long-term priorities for the Downtown Community Plan. (Draft Plan, Chapter 1, p. 10.) For instance, one of the guiding principles is to "support and sustain Downtown's ongoing revitalization," by "promoting innovation for decades to come" and "reinforcing Downtown as a destination." (*Ibid.*) LA ART would utilize cutting-edge detachable gondola technology to provide a linkage within Downtown, from Union Station to the Los Angeles State Historic Park and Los Angeles River, while also attracting visitors and tourists to experience unique views of Downtown. LA ART seeks to develop partnerships with Chinatown and El Pueblo merchants and stakeholders to encourage dining and visits prior to games. In addition, the Project seeks to support Chinatown as a vibrant center of commerce, culture, and community. By starting the LA ART experience across from Union Station and El Pueblo, the birthplace of Los Angeles, LA ART can offer tourists an incredible introduction to the City of Angels, together with a narrated gondola ride highlighting the City's history. Accordingly, LA ART would be the exact type of innovative project the Draft Plan seeks to promote.

Similarly, the Draft Plan aims to "promote a transit, bicycle, and pedestrian-friendly environment," by "expanding transit service," and "improving connectivity" Downtown. (Draft Plan, Chapter 1, p. 11.) Likewise, DEIR Primary Objective 4 seeks to "[p]romote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment." (DEIR, p. 3-24.) LA ART would "expand transit service" and "promote a mode-shift from private automobile usage" by providing yet another transit linkage to Downtown between Union Station — housing Metrolink, Metro's Red, Gold, and Purple lines, the upcoming Regional Connector and supporting bus, and bicycle and pedestrian connections — and Dodger Stadium.

LA ART will be ADA accessible and compliant. The spacious cabins equipped with large sliding doors allow for wheelchairs, bicycles, and strollers, and easy entry and exit for passengers connecting to and from other modes of transit. LA ART's compatibility with bicycles would also support "bike infrastructure." (Draft Plan, Chapter 1, p. 11.) Further, LA ART could take approximately 3,000 cars off the road on Dodger game and event days, enhancing community and pedestrian safety to promote a "pedestrian-friendly environment." By removing these vehicles from the road, LA ART may reduce vehicle miles traveled, in furtherance of Primary Objective 5, which seeks to "[r]educe vehicle miles traveled to meet the goals of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32 to reduce carbon emissions." (DEIR, p. 3-24.)

Accordingly, LA ART would support the Draft Plan’s guiding principles by providing an innovative transit solution that connects Downtown and Union Station with other communities and attractions, while inviting visitors and tourists to experience Downtown in a unique manner.

***The Draft Plan’s Downtown-Wide Goals and Policies Encourage the Creation of Sustainable Transportation Options***

LA ART is consistent with numerous Downtown-wide goals and policies supporting sustainable transportation options. Policy LU 1.1 seeks to “ensure the development of complete neighborhoods with diverse uses and resilient infrastructure, parks, streetscapes, transit, and community amenities.” (Draft Plan, Chapter 2, p. 18.) LA ART would provide an additional transit option for community members to explore and visit areas of Downtown otherwise difficult to access. Further, LA ART’s year-round operation opportunities would provide potential connectivity for residents, Cathedral High School transit patrons, and for Los Angeles State Historic Park and Elysian Park visitors, thus providing transit in furtherance of “complete neighborhoods.”

***LA ART Is Consistent with the Plan’s Goal for Land Use That Supports Transit Access***

The “Plan calls for efficient use of land that supports walking, bicycling, and access to transit, reducing energy consumption, and fostering environments for active and passive recreation.” (Draft Plan, Chapter 2, p. 27.) The DEIR also emphasizes the importance of developing housing “near transit to reduce automobile reliance and improve mobility,” (DEIR, p. 3-27) and “support[s] the development of new transit infrastructure” (*id.*, p. 4.10-27). The DEIR additionally states that the “Downtown Plan would enhance access to all modes in the local circulation system, improving access on transit, roadways, bicycle and pedestrian facilities.” (DEIR, p. 4.10-48; see also *id.*, p. 4.15-40.) The Project would provide “new transit infrastructure” in Downtown, further increasing the ability for the City to locate housing near transit. LA ART would also provide an additional transit connection for existing communities such as El Pueblo, Chinatown, Mission Junction, and Solano Canyon to Union Station, “enhance[ing] access to all modes in the local circulation system.” In addition, as discussed above, LA ART would “reduce automobile reliance” by providing a permanent transit connection to Dodger Stadium as an alternative to automobile use.

LA ART also would connect to “environments for active and passive recreation” such as the Los Angeles State Historic Park, the Los Angeles River, and Elysian Park, consistent with Metro’s Transit to Parks Strategic Plan. LA ART is currently considering public benefits for the Los Angeles State Historic Park, including support for a pedestrian bridge between North Broadway and the Los Angeles State Historic Park, crossing over Metro’s L Line, to provide access for walkers and bicycles who cannot access the Park directly from Broadway due to existing topography. An ADA accessible pedestrian/bicycle bridge would create additional connections between the Los Angeles State Historic Park and areas of Chinatown, Cathedral High School, and Solano Canyon, supporting park access as well as the Plan goal of “walking, bicycling, and access to transit.”

In addition, LA ART's Dodger Stadium station could provide convenient connections to Elysian Park. Therefore, LA ART would support "walking, bicycling, and access to transit," and foster an environment for active and passive recreation by providing links to Downtown area parks. In addition, the Project would support the Plan's aim of providing access to transit by providing a high-quality and high-capacity rapid transit connection between Union Station and Dodger Stadium, potentially allowing more than 10,000 people to be transported to the stadium prior to the start of a game or event. LA ART could therefore take an average of 3,000 cars off the streets before and after each game or special event at Dodger Stadium.

### ***LA ART Will Be Zero-Emission, Supporting the Plan's Goals to Reduce Greenhouse Gas Emissions and Improve Air Quality***

LA ART has committed to goals to reduce GHG emissions and improve air quality; as a zero-emission project, LA ART will integrate sustainable and environmentally-friendly design features into its operations and maintenance, thus furthering the Plan's objective of reducing energy consumption.

Policy LU 17.9 calls for the Plan to "support local, regional, state, and federal programs seeking to reduce greenhouse gas emissions, in an effort to minimize pollution sources and to improve air quality." The DEIR also notes the Draft Plan is intended to "improve the efficiency and effectiveness of the transportation system and provide options for alternative transportation." (DEIR, p. 4.5-22.) As a zero-emission project, LA ART is consistent with these aims. Further, LA ART's goal to remove approximately 3,000 cars off the road on Dodger game and event days would reduce congestion and GHG emissions and improve air quality. LA ART may therefore provide emissions benefits and increased access to areas within the Draft Plan between Union Station and Dodger Stadium, including disadvantaged communities identified by CalEnviroScreen 3.0 as in the top 98% of California communities burdened by pollution. Accordingly, LA ART is consistent with the Draft Plan's Policy LU 17.9 to support efforts to reduce GHG emissions and improve air quality and the DEIR's stated intent to "improve the efficiency and effectiveness of the transportation system."

### ***The Project Supports Downtown Places Goals and Policies***

The Transit Core neighborhood includes Union Station. The Draft Plan recognizes that "[a]s the regional transportation system expands, the Station will continue to evolve as a transit center and a mixed use destination." (Draft Plan, Chapter 2, p. 31.) Policy LU 22.16 seeks to "[a]dvance efforts to plan for the future integration of high speed rail and other transit projects." (*Ibid.*) Union Station currently hosts 36 million people per year and 100,000 daily transit riders. Metro projections forecast 72 million people per year and 200,000 daily riders in 2040 due to Metro's expansive transit network. LA ART would provide yet another link to this transit center by providing a station in close proximity to Union Station, representing an effort to integrate rail with other transit projects in accordance with Policy LU 22.16. The proposed Union Station location would integrate with Metro's proposed Union Station Forecourt and Esplanade Improvements and provides connection to historic El Pueblo.

Other neighborhood policies are aimed at improving transit connections. (See e.g., LU 49.4, Draft Plan, Chapter 2, p. 45.) The Project would facilitate these policies by providing an additional transit option in Downtown. For instance, LA ART has the potential to connect El Pueblo, Union Station, Chinatown, the Mission Junction Area (including William Mead Homes), Cathedral High School, and Solano Canyon, in addition to the Los Angeles State Historic Park, the Los Angeles River, and Elysian Park. Providing access to Union Station via LA ART can increase regional connectivity and access with cleaner air for these communities, which are currently burdened by pollution.

With respect to the El Pueblo de Los Angeles Historic District (“El Pueblo”), Draft Plan LU 53.12 looks to “encourage more active nighttime uses.” (Draft Plan, Chapter 2, p. 47.) The Project would provide a link to El Pueblo before and after Dodger games, thus supplying additional visitors to the El Pueblo and incentivizing nighttime uses to capture these visitors. Therefore, the Project is consistent with—and indeed facilitates—the Draft Plan’s Downtown Places Goals and Policies.

### ***The Project Is Consistent with the Draft Plan’s Mobility & Connectivity Goals and Policies***

The Draft Plan’s Mobility & Connectivity chapter recognizes that “[p]roviding safe and convenient multimodal access throughout Downtown’s districts addresses several of the guiding principles of this Plan. A safe, accessible circulation system reinforces land use policies and connects people to jobs, homes, and services.” (Draft Plan, Chapter 3, p. 49.) Further, “safety and comfort for all users is a primary priority of the Downtown mobility system.” (*Ibid.*) The Project would support this overarching aim in several ways.

First, aerial rapid transit has an excellent safety record, and operations will include multiple measures to ensure rider and public safety. The proposed Project would employ a Tricable Detachable Gondola system (also known as “3S”), which allows for higher-capacity cabins to safely and efficiently transport passengers. The naming convention for this system is derived from the German word “seil”, which translates in English to “rope”. Hence, Tricable Detachable Gondola systems are known as “3S” systems due to its use of three ropes, or cables.

Second, beyond ensuring the safety of riders, LA ART would enhance community and pedestrian safety by removing car trips from local streets and arterials surrounding Dodger Stadium. Further, the Project would provide “comfort for all users” because it is ADA accessible and compliant. The spacious cabins equipped with large sliding doors allow for wheelchairs, bicycles, and strollers, and easy entry and exit for passengers.

Third, the Project would provide “convenient” access to other areas of Downtown, such as El Pueblo, Union Station, Chinatown, the Mission Junction area (including William Mead Homes), Cathedral High School, and Solano Canyon, in furtherance of the Draft Plan’s Mobility & Connectivity chapter’s overarching intent. When complete, the proposed Project’s capacity would accommodate up to approximately 5,500 people per hour per direction, and the travel time from Union Station to Dodger Stadium would be approximately 7 minutes. Accordingly, LA ART would be able to reliably and efficiently operate at a high capacity, providing a convenient transit option.

More specifically, the Project supports the Draft Plan's goals and policies concerning mobility and connectivity. MC Policy 2.5 seeks to "[f]acilitate integration between different modes of travel to create a seamless experience as users switch between modes and to promote transit use and active transportation." (Draft Plan, Chapter 3, p. 50.) Draft Plan Goal 4 looks to provide a "safe and integrated bicycle network that provides access to transit and key destinations." (Draft Plan, Chapter 3, p. 51.) LA ART's cabins will also be large enough to accommodate bicycles, with large sliding doors to easily transport bicycles on and off the cabins. LA ART would connect to Union Station, and provide a mobility hub at Dodger Stadium for passengers to be able to access a suite of first and last mile multi-modal options, including a bike share program and individual bike lockers, a pedestrian connection to Dodger Stadium, and connections to Elysian Park and adjacent neighborhoods. Accordingly, LA ART would "facilitate integration between different modes of travel," and further the City's bicycle network. For the same reasons, LA ART would be consistent with the DEIR's language supporting "first-mile, last mile solutions" (DEIR, p. 4.1-46; *id.*, p. 4.15-40) and Draft Plan Policy MC 4.4, which aims to "[f]acilitate the integration of bikes on transit to improve first-last mile connections," (*ibid.*) and would support the Draft Plan's ability to engage in Metro's "First-mile, Last-mile" program, which provides "implementing improvements for first and last mile (FLM) portion[s] of an individual's trip, and provides a vision for addressing FLM improvements in a systematic way." (Draft Plan, Chapter 5, p. 70.)

MC Policy 2.6 aims to "[i]mprove access to community services and amenities such as recreational facilities [and] cultural and educational institutions." (Draft Plan, Chapter 3, p. 50.) As discussed above, LA ART would provide access to the historic El Pueblo. Likewise, LA ART may provide transit connectivity to Cathedral High School transit patrons, and for Los Angeles State Historic Park, Los Angeles River, and Elysian Park visitors. By providing an additional transit link to these locations, LA ART would "improve access to . . . recreational facilities" and "cultural and educational institutions." As such, LA ART would be consistent with the Draft Plan's applicable goals and policies concerning mobility and connectivity.

### **Aerial Rapid Transit Should Be Considered a Permissible Use Under the Plan**

The Draft Plan does not currently contemplate aerial rapid transit. The Draft Plan includes use definitions for uses contemplated under the Draft Plan. (See e.g., Draft Plan, Zoning Code Draft, pp. 5-153 to 5-173.) The closest use included within the Draft Plan to LA ART is for "Transit Terminal." (See *id.*, p. 5-160.) "Transit Terminal" is defined as "[a]ny facility such as a bus or train station, where ground transport regularly load and unload passengers." (*Ibid.*) This definition should be broadened to cover LA ART, which is an aerial rapid transit system.

As discussed above, LA ART proposes an innovative and sustainable method of connecting Downtown to Dodger Stadium and surrounding communities, in furtherance of the Draft Plan's guiding principles, goals, and policies. To account for this innovative, environmentally friendly rapid transit gondola system, we request that the Draft Plan be revised to provide for aerial rapid transit. We request that the Draft Plan add a new subdivision (F) to Draft Zoning Code Section 5C.1.4's Transportation Uses for "Aerial Rapid Transit," defined as



“an aerial gondola system consisting of cables, passenger stations and/or non-passenger junction(s), tower(s), and gondola cabins.”

In the alternative, the City could revise the definition of “Transit Terminal” to include accommodate aerial rapid transit under the Plan as follows, with deletions in ~~striketrough~~ and additions in underline:

“Transit Terminal” – Any facility such as a bus, ~~or train, or aerial rapid transit~~ station, where ~~ground~~ transport regularly loads and unloads passengers.

The new “Aerial Rapid Transit” use or the revised “Transit Terminal” use should be permitted in all zones throughout the Draft Plan to ensure that innovative, environmentally friendly rapid transit gondola systems such as LA ART are permitted in the Plan area to allow for placement of gondola stations, junctions, and towers in public right-of-way and public and private property, as well as cables and cabins above the ground. Currently, the RX1 Use District does not permit “Transit Terminal,” and is within the location of LA ART’s proposed alignments.

Similarly, the Draft Plan should remove any roadblocks that would hinder the development of transit. For instance, for projects under the Draft Plan’s Community Plan Implementation Overlay (“CPIO”), the Draft Plan requires the issuance of a building permit for replacement development prior to the issuance of a demolition permit. (Draft Plan, CPIO, p. 9.) Such a requirement places an unnecessary burden on the ability to quickly and efficiently proceed with development in furtherance of the Plan’s goals.

Consideration and inclusion of aerial rapid transit as a permitted use in the Draft Plan is appropriate at this time given Metro’s undertaking of CEQA review for the Project. Aerial rapid transit is a proven, safe, sustainable, high capacity, and highly efficient form of transportation that would function as both a reliable rapid transit system and first/last mile connector, and would serve as an iconic new regional tourist attraction that offers scenic views of Los Angeles, in furtherance of the Draft Plan’s goals and policies.

### **The FEIR Should Consider LA ART as a Future Transportation Improvement**

Consistent with the addition of aerial rapid transit as a permitted use in the Draft Plan, the FEIR should include LA ART when addressing future transit improvements in the Plan area.

For instance, the DEIR notes the “development of future plans and infrastructural improvements that need to be accommodated” in the Draft Plan since the adoption of the existing Central City and Central City North Community Plans, including the “Los Angeles Streetcar, Metro Regional Connector, and High Speed Rail.” The FEIR should include LA ART as a potential future transit improvement in the Plan area, in order to ensure the Plan appropriately “responds to these new conditions and . . . maximize[s] associated benefits from these large scale infrastructure improvements.” (DEIR, p. 3-9.)

Further, the Land Use and Planning section describes El Pueblo and Union Station, noting that Union Station is the “planned site for the California High Speed Rail (HSR) Los

Angeles station.” (DEIR, p. 4.10-3.) The FEIR should also include a reference to the proposed LA ART stations. Like the High Speed Rail station, LA ART is in the planning and environmental phases (the DEIR notes that “the High Speed Rail Station appears unlikely to be built in the foreseeable future”). (*Id.*, p. 4.10-26, fn 3.) The DEIR also notes that the Draft Plan “support[s] the development of new transit infrastructure,” and discusses the high speed rail and “other transit projects, such as the West Santa Ana Branch line and Link US” that would “reinforce Union Station and Downtown as the hub of regional transit.” (*Id.*, p. 4.10-26.) LA ART provides an additional transit connection to Union Station for Downtown neighborhoods. Therefore, the Draft Plan and FEIR should include LA ART in its efforts to integrate future transit projects within the Plan area.

1, cont.

### Conclusion

We thank you for your time and attention to this matter, please do not hesitate to contact me should you have any questions.

Very truly yours,



Beth Gordie  
of LATHAM & WATKINS LLP

Cc: Shana Bonstin, Deputy Director of Planning  
Lisa Webber, Deputy Director of Planning  
Valerie Watson, Senior City Planner  
Aerial Rapid Transit Technologies LLC  
Cindy Starrett, Latham & Watkins  
Samantha Seikkula, Latham & Watkins





## NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**DATE:** October 1, 2020  
**TO:** Agencies, Organizations and Interested Parties  
**SUBJECT:** Notice of Preparation (NOP) of a Draft Environmental Impact Report  
**PROJECT TITLE:** Los Angeles Aerial Rapid Transit Project  
**FROM:** Los Angeles County Metropolitan Transportation Authority (Metro)

Los Angeles Aerial Rapid Transit Technologies LLC is proposing the Los Angeles Aerial Rapid Transit Project, which would connect Los Angeles Union Station to the Dodger Stadium property via an aerial gondola system in downtown Los Angeles. The Los Angeles County Metropolitan Transportation Authority (Metro) is the lead agency in the preparation of a Draft Environmental Impact Report (EIR) for the Los Angeles Aerial Rapid Transit Project (proposed Project) in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, as amended (Public Resources Code, Section 21000-21178 and California Code of Regulations Title 14, Chapter 3 Section 15000–15387). The purpose of the Draft EIR is to evaluate the potential for environmental impacts associated with implementation of the proposed Project, and to provide mitigation measures where required.

The purpose of this Notice of Preparation (NOP) is to notify agencies, organizations and individuals that Metro plans to prepare a Draft EIR and to request input on the environmental analysis to be performed. Metro is requesting comments from public agencies on the scope and content of the environmental information relevant to their statutory responsibilities with regard to the proposed Project, in accordance with California Code of Regulations, Title 14, Section 15082(b). Metro is also inviting organizations and interested parties to submit comments on the scope of the environmental document related to the proposed Project.

**PROJECT DESCRIPTION:** The proposed Project would connect Los Angeles Union Station (LAUS) to the Dodger Stadium property via an aerial gondola system, reducing traffic congestion and expanding mobility options for transit riders. The proposed Project would provide an aerial rapid transit option from LAUS for visitors to Dodger Stadium, as well as the Los Angeles State Historic Park and Elysian Park, while reducing traffic that currently impacts residents of surrounding communities, who can also utilize the aerial gondola system to access the regional transit system accessible at LAUS. The proposed route would travel generally along Alameda Street, Spring Street, and Bishops Road from LAUS to Dodger Stadium. The proposed Project includes options for an intermediate station to provide additional transit service adjacent to the Los Angeles State Historic Park and the location where the proposed Project flies over portions of the Park (the Spring Street Alternative and Broadway Alternative). The proposed aerial gondola system would include aerial cables, passenger stations, a non-passenger junction, towers to support the aerial cables between the stations/junction, and gondola cabins for the passengers. When complete, the proposed Project would have a maximum capacity of approximately 5,500 people per hour per direction, and the travel time from LAUS to Dodger Stadium would be approximately six or seven minutes. Public benefits being considered for the proposed Project include support for a pedestrian bridge between North Broadway and the Los Angeles State Historic Park.



Figure 1 shows the regional location of the proposed Project and Figures 2 and 3 provide an overview of the Spring Street Alternative and Broadway Alternative, respectively. Figure 4 provides examples of modern aerial rapid transit (ART) systems that are currently operating in several urban locations around the world.

**PROJECT LOCATION AND ENVIRONMENTAL SETTING:** The proposed Project would be located in the City of Los Angeles, within or adjacent to the communities of El Pueblo, Union Station, Chinatown, Mission Junction, Solano Canyon, and Elysian Park. The proposed Project would generally be located within the public right-of-way, and in connection with providing additional transit service adjacent to the Los Angeles State Historic Park, would fly over the Park, which is managed by the California Department of Parks and Recreation, and SR-110 near Dodger Stadium. The surrounding land uses include high and medium density residential, commercial, retail, institutional, transit-related infrastructure (road and rail), parks and open space, and public facilities uses.

**PROJECT PURPOSE:** The overall purpose of the proposed Project is to expand mobility options for transit riders through a permanent direct transit connection between LAUS and Dodger Stadium, a regional event center, via an aerial gondola system. The proposed Project aims to reduce traffic congestion and associated greenhouse gas emissions during game and special event days. The proposed Project provides the potential to increase transit access for open space, parks, and the surrounding communities by linking to the Los Angeles State Historic Park, Elysian Park, and the region's rapidly growing regional transit system at LAUS. Aerial rapid transit is a proven, safe, quiet, sustainable, high capacity, and highly efficient form of transportation. The proposed Project would function as a reliable rapid transit system, a first/last mile connector, and an iconic new regional tourist destination that offers scenic views of Los Angeles.

**PROJECT ALTERNATIVES:** A "No-Build" alternative will be analyzed, where no aerial gondola system is installed. Alternative locations for passenger stations, a non-passenger junction, and towers, as well as potential arrangements within a non-passenger junction to allow for passengers, may be evaluated.

The proposed Project would generally be located in the public right-of-way and would commence adjacent to LAUS and El Pueblo following Alameda Street and Spring Street in a northeast direction through the community of Chinatown, flying over the Los Angeles State Historic Park to Bishops Road and then flying over the SR-110 and terminating at Dodger Stadium, located in the community of Elysian Park. Two potential alternatives for providing transit service adjacent to, and flying over the Los Angeles State Historic Park, are being considered. In the Spring Street Alternative, near the intersection of Spring Street and Ann Street, the aerial gondola system would travel northwest with a Park Station on Spring Street and fly over the Los Angeles State Historic Park near the Metro L Line (Gold) right-of-way (see Figure 2). The Broadway Alternative would fly over the Los Angeles State Historic Park near the Metro L Line (Gold) right-of-way and continue northwest to an intermediate station at the intersection of North Broadway and Bishops Road (see Figure 3).



**PROBABLE ENVIRONMENTAL EFFECTS:** The purpose of the Draft EIR is to disclose the impacts of the proposed Project on the environment. The Draft EIR will address all environmental topics listed in Appendix G of the CEQA Guidelines, as listed below.

- Aesthetics
- Agriculture and forestry resources
- Air quality
- Biological resources
- Cultural and historic resources
- Energy
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Mineral resources
- Noise
- Population and housing
- Public services
- Recreation
- Transportation
- Tribal cultural resources
- Utilities and service systems
- Wildfire

Mitigation measures to reduce potentially significant impacts during construction and operation of the proposed Project will also be identified in the Draft EIR.

**VIRTUAL OPEN HOUSE AND VIRTUAL SCOPING MEETING:** As part of the EIR scoping process, project information will be made available to the public online through two primary means: (1) a virtual “open house”; and (2) a virtual scoping meeting. The purpose of the virtual open house is to provide an overview of the proposed Project, an overview of the CEQA process, and the project timeline for environmental review. The virtual open house will be accessible to stakeholders and the public throughout the public review period. Please access the virtual open house at [LAARTvirtualopenhouse.org](http://LAARTvirtualopenhouse.org) or through Metro’s website at [metro.net/aerialrapidtransit](http://metro.net/aerialrapidtransit).

The virtual scoping meeting will be held on October 22, 2020, from 6:00 p.m. to 8:00 p.m. The virtual scoping meeting will include an introduction to the proposed Project, an overview of the CEQA process, and the project timeline for environmental review. Stakeholders and the public may submit questions during the online meeting. A recording of the scoping meeting will be posted on the Metro website and the virtual open house following the meeting. Please check Metro’s website at [metro.net/aerialrapidtransit](http://metro.net/aerialrapidtransit) to confirm the availability of and the instructions for accessing the virtual scoping meeting.

This NOP and a fact sheet will also be available in Spanish and Cantonese via the virtual open house at [LAARTvirtualopenhouse.org](http://LAARTvirtualopenhouse.org) and Metro’s website at [metro.net/aerialrapidtransit](http://metro.net/aerialrapidtransit). In addition, Spanish and Cantonese interpretation will be available during the virtual scoping meeting.

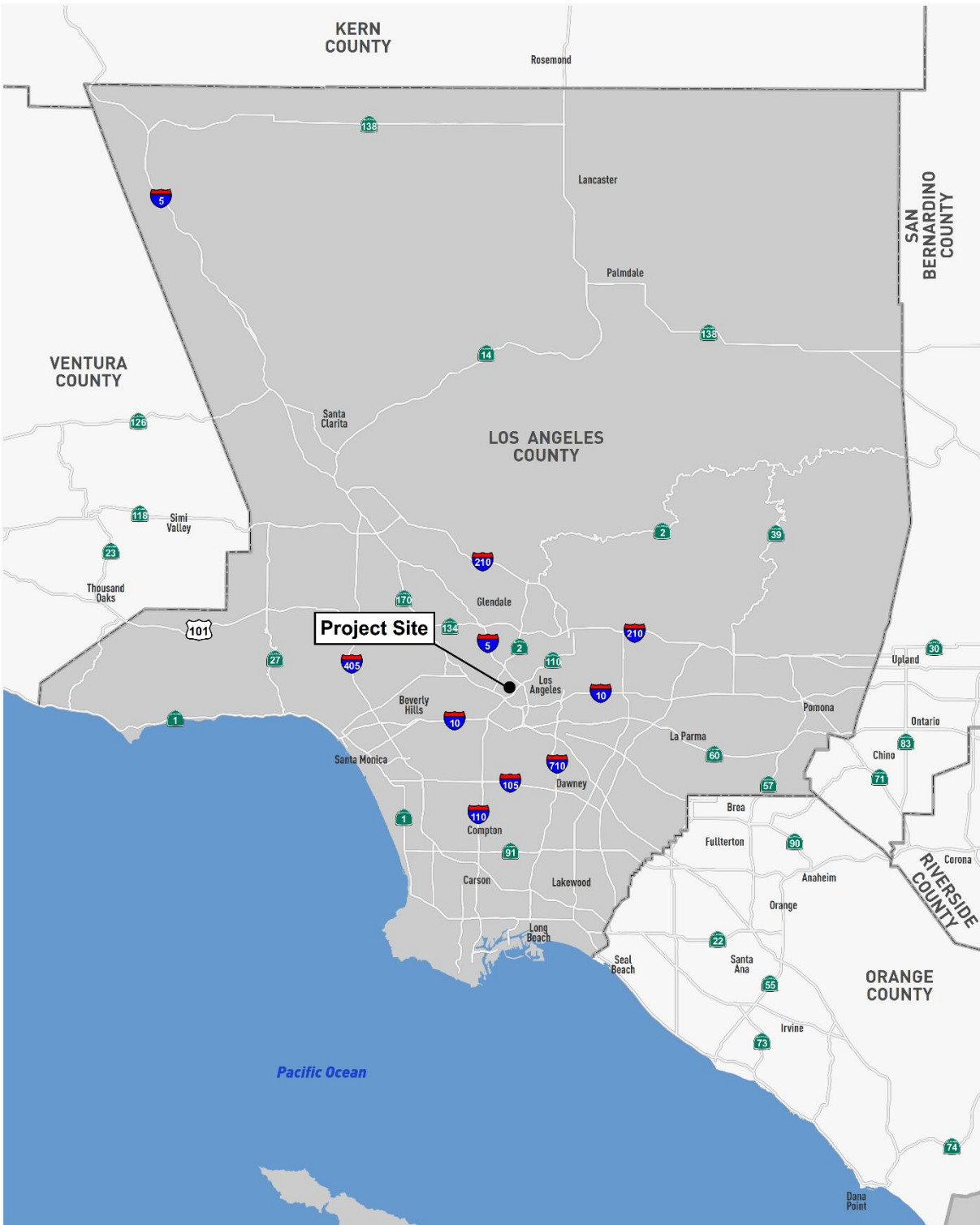
Attendees are invited to call 213-418-3423 at least 72 hours in advance of the meeting for more information, to arrange ADA accommodations and/or to request additional translation support.



**COMMENT DUE DATE:** A 45-day comment period for this NOP will begin on October 1, 2020, and conclude on November 16, 2020. Written comments on the scope of the Draft EIR, including the Project area and description, the impacts to be evaluated, and the methodologies to be used in the evaluation, will be accepted during the comment period and should be sent to Metro by 11:59 pm PST on **November 16, 2020** at the postal address or e-mail address below. Comments may also be submitted through the virtual open house website at [LAARTvirtualopenhouse.org](http://LAARTvirtualopenhouse.org).

**ADDRESSES:** Written or electronic (e-mail) comments may be sent to Mr. Cory Zelmer, Deputy Executive Officer, Metro, One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or via email at [LAART@metro.net](mailto:LAART@metro.net).

For more information, please visit [metro.net/aerialrapidtransit](http://metro.net/aerialrapidtransit), or please call 213-418-3423.



**Figure 1:  
Regional Map**



**Figure 2:**  
**Proposed Spring Street Alternative**



**Figure 3:**  
**Proposed Broadway Alternative**





Portland, Oregon



London, England



Koblenz, Germany



Roosevelt Island, New York



Mexico City, Mexico



Lantau Island, Hong Kong



La Paz, Bolivia





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Letter 9

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*Chief Executive Officer*

**November 11, 2020**

**Vince Bertoni**  
**Director of Department of City Planning**  
**City of Los Angeles**  
**200 N. Spring Street, Suite 525**  
**Los Angeles, CA 90012**

**Re: Central City and Central City North Community Plan Update  
& Environmental Impact Report (“EIR”) Response Letter**

Dear Mr. Bertoni,

Thank you for the opportunity to engage in the process and allowing for the mechanism to communicate Skid Row Housing Trust’s (“the Trust”) perspective and position. The Executive Leadership Team and the Board of Directors of the Organization submit this letter in response to the *DRAFT* Central City and Central City North Community Plan and EIR.

Since 1989, the Trust has been committed to solving homelessness and improving the health and safety of all community members in Los Angeles. The Organization has done this by providing permanent supportive housing (“PSH”) along with wrap around services in the County’s most impoverished neighborhood, Skid Row. The Trust builds and operates beautifully designed, high quality housing projects that serve as neighborhood anchors. We offer 1,897 apartment homes to the people who need them most. The Trust is one of the largest property owners and operators of PSH in Los Angeles with 25 of 27 total buildings in our portfolio located in the Industrial District, Arts District, Historic Core, Toy District, Fashion District, and South Park. The Organization has been headquartered in the Industrial District at E. 7<sup>th</sup> Street and S. Central Avenue for 30 years. We serve the mission to end homelessness and advocate for equitable and inclusive housing for all.

The Trust is grateful for the diligence and work put into the *DRAFT* community plan by LADCP and staff. The Trust also supports the draft community plan but appreciates the opportunity to offer suggestions to make it more consistent with the City's historic and continuing values to achieve equity, diversity, and inclusivity while trying to fill the deep deficit for housing needs while creating economic opportunities to the Community as a whole. Please find the following bullets outlining key perspectives on this important issue:

- Skid Row Housing Trust supports the provisions to require affordable housing as a prerequisite to development incentives to produce much needed affordable housing and distribute them all across DTLA. The opportunity for mixed income, mixed use, and mixed housing should apply to all parts of downtown where housing is allowed.
- Skid Row Housing Trust strongly opposes only allowing 100% affordable housing in Skid Row where we have the highest concentration of poverty. Further concentrating and perpetuating poverty is neither equitable, diverse, nor inclusive. The Organization advocates for a mixed income, mixed use, and mixed housing in Skid Row and oppose this proposed exclusionary zoning policy. We suggest allowing all types of housing in the Industrial District similar to the Industrial-Mixed Hybrid zone proposed in the Fashion District.
- Skid Row Housing Trust supports the inclusion of PSH in the Arts District but opposes the restrictions on other housing types. The current draft only allows live/work units with minimum 1,000 square footage, average size in Type I, II, and IV construction types. On the west side of Alameda in Skid Row, the community plan proposal results in a long term economically poor community. On the east side of Alameda in the Arts District, only large units with more expensive construction types are allowed. This is an exclusionary policy that will inadvertently create an affluent community lacking economic diversity and limits housing appropriate for families, further exacerbating the issues of equity, diversity, and inclusivity against the intended values of the community plan. The Organization suggests allowing all types of housing in the Arts District where housing is allowed similar to the Fashion District.
- Skid Row Housing Trust suggests adding further incentives for developments that can enhance safety and activity on 6<sup>th</sup> and 7<sup>th</sup> Street corridors through Skid Row (from Los Angeles Street to the west to Alameda Street to the east). By offering a higher level and larger incentives, these corridors can potentially better connect the Financial District, Historic Core, and the Arts District and are all are critical to contribute to Skid Row's opportunity to be part of the renaissance of DTLA. Incentives that help diversify the land use conversions



along these corridors and bring essential goods and services back into a community that is devoid of diversity, support, and the fundamental building blocks of a complete community.

- Lastly, the Organization suggests LADCP reconsider land uses adjacent to existing and future transit routes on 7<sup>th</sup> Street and Alameda Street and designate them as Transit Core. These are areas that support and facilitate high public tax dollar investments and should allow for more opportunities for housing production. This area should receive the same consideration as Transit Core with removal of development hurdles such as minimum parking requirements. The Trust is focused on ending homelessness through a multi-pronged approach, the primary being development and building of PSH units. However, the Organization advocates to prevent individuals and families from falling into homelessness in the first place which is possible with more diverse housing options. Los Angeles and Skid Row along with downtown Community members need more housing. The community plan should assimilate all perspectives and integrate many different opportunities for a holistic benefit. There is a significant risk that would be an opportunity lost if this plan does not put more housing near transit.

The Trust is currently developing more than 1,000 new homes and will continue to build thousands more to end homelessness. To make this possible, we need pro-housing policies and rules in place to produce more housing at a lower cost with significantly improved speed to build. California is 49<sup>th</sup> in housing production per capita. The upcoming *Housing Element* shows for the next eight (8) years, LA calls for more than 460,000 units of new homes to meet the housing needs in City of Los Angeles alone. Central City and Central City North Community Plan update is a prime opportunity to address the housing crisis while simultaneously bringing awareness and solutions to the inequities in housing access and economic opportunities. We applaud the efforts by LADCP and its staff to implement a vision for an equitable, diverse, and inclusive plan for the next 20 years in our DTLA community. There are many positive changes in the current draft community plan but Skid Row Housing Trust believes it can be further improved by exploring and implementing the above suggested recommendations and/or changes. Without these changes, the city will be implementing exclusionary zoning policies Skid Row and Arts District and squandering potential opportunities for more housing near existing and future transit.

We respectfully request that the City more fully evaluate in the EIR the social and economic impacts associated with restrictive zoning that limits market rate and other development in Skid Row and conversely limits the type of housing and restrictions on PSA in the Arts District. The City should consider Project alternatives and additional

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mitigation measures that more fully address the adverse environmental, social, and economic impacts of restrictive zoning on housing types in Skid Row and the Arts District.

1, cont.

Thank you for the opportunity to comment on the Draft Central City and Central City North Community Plans and look forward to your responses.

Sincerely,



Simon Ha, AIA  
Chairman of the Board of Directors  
Skid Row Housing Trust

cc:  
Kevin De León, LA City Council District 14  
Samantha Millman, LA City Planning Commission  
Craig Weber, LADCP  
Brittany Arceneaux, LADCP  
Valerie Watson, LADCP  
Lee Raagas, Skid Row Housing Trust  
Sierra Atilano, Skid Row Housing Trust  
Antonio Le Mons, Skid Row Housing Trust



# OMGIVNING

12.02.20

Vince Bertoni, Director  
City of Los Angeles Department of City Planning  
200 N Spring Street  
Los Angeles, CA 90012

**Subject: DTLA 2040**

Dear Mr. Bertoni,

We are a Los Angeles Architecture firm dedicated to the revitalization of DTLA through the reuse of existing and historic buildings. We have touched over 400 existing buildings in and around DTLA in the last 10 years. We've witnessed the strength of City directives to help transform our city and have been highly involved in policy reform such as the Bringing Back Broadway Initiative, LADBS's Broadway Historic Commercial Reuse Bulletin, Non-ductile Concrete ordinance, and our Founder, Karin Liljegren, was involved in the 1999 Adaptive Reuse Ordinance.

We are excited by the prospect of the DTLA 2040 document to again bring positive change. We have been analyzing and following revisions in the general DTLA 2040 plan for the past few years. In particular, we focused on Adaptive Reuse under Article 9, working with LACP for the past few months. We compared the new Adaptive Reuse incentives in the DTLA 2040 plan with the current Adaptive Reuse Ordinance and applied the new incentives to 8 case study buildings. LACP has been highly engaged in answering our questions and clarifying the language, and we are very appreciative of their time and efforts.

Below we identified our comments for both Article 9 as it pertains to Adaptive Reuse, and the general plan as a whole. While this document is highly transformative, we do not feel that it goes far enough. The cost of renovating and retrofitting old buildings has doubled in the last 20 years due to new codes, strict interpretations of existing codes and general construction cost escalations. Despite the increased challenges, we believe that retaining and reusing existing buildings is the key to carbon reduction in our city, and will play a critical part in the Mayor's 'Decade of Action' plan. These buildings need all the help that they can get to offset the high costs and ensure they remain. Incentives such as free floor area are a perfect solution. In light of what we have all learned from our current health crisis, social injustice crisis and climate crisis, we need as much flexibility and adaptability in our codes as possible.

## Article 9 - Adaptive Reuse

1. We recommend LACP distinguish between historic and non-historic adaptive reuse projects through additional incentives applied to historic projects. Currently, the 2040 plan only provides additional incentives for historic projects as part of a unified adaptive reuse project, or through TDR which applies to a small portion of the Arts District. This is very limiting as the

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# OMGIVNING

majority of historic projects downtown are in dense areas with no empty development areas nearby that could be combined to constitute a unified project. This incentive structure promotes larger scale development but does not provide incentives specific to single historic properties which often face much more difficult, costly and lengthy retrofits than non-historic/newer properties.

1, cont.

2. The 2040 plan maintains the original Adaptive Reuse Ordinance floor area exemption incentive for residential use, which allows for new mezzanines to be added within an existing building's envelope. There are many places within existing buildings that can accommodate new floor area. This added area can create more revenue and offset the high cost of renovating and retrofitting these buildings. We recommend Historic Buildings with any use be allowed to have new intermediate floors and mezzanines that do not count towards floor area.
3. Residential and lot amenity space requirements for unified adaptive reuse projects are currently based on the residential floor area for the full site. We recommend that the required amenity space should be based on the new development floor area only.
4. We recommend an update to the 1999 Adaptive Reuse Ordinance through a targeted code amendment in order to adopt the adaptive reuse incentives from the DTLA 2040 plan before the creation and implementation of the full community plan. Otherwise, we anticipate citywide adaptive reuse projects will stall until the community plan is enacted.
5. We recommend removing the requirements to maintain loading dock areas. With change of use projects in industrial areas, loading docks may not be needed and have the potential to drastically limit the opportunities for unified adaptive reuse projects.
6. From our conversation with the Office of Historic Resources, we understood the adaptive reuse qualification date of 1974 was chosen based on 25 years prior to the adoption of the Adaptive Reuse Ordinance. The 1974 date is not applicable to the 2040 community plan and we recommend removing this date. We believe that there should be a 10 year rolling clock to be able to access adaptive reuse incentives.

## General DTLA 2040 Plan

7. The historic core FAR requirements do not align with the existing context. Most existing buildings within the historic core are 12 stories in height and are often built to the property line. A Base FAR of 12:1 would be more in-line with existing conditions and will promote a more consistent street frontage. *(Example from DTLA 2040 Draft: Broadway (4th to 7th), Spring St and Main St, Base FAR - 6:1 and Bonus FAR - 8.5:1)*
8. The historic core articulation requirements of base-middle-top and banding requirements will likely result in an Architectural expression defined by mimicry and lacking the sophistication

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# OMGIVNING

capable of modern building technology. We suggest the DTLA plan use restrictions in the form of height and massing to ensure congruity while still allowing for articulation and fenestration honest to our time. Furthermore, the relatively limited base FAR of 6.0 (as compared to the prevalent 12 story character of the area), combined with base-middle-top requirements, will likely result in proportionally awkward buildings that don't properly relate to their context.

3, cont.

9. The DTLA 2040 plan appears to be silent with respect to highway dedications. We suggest DTLA 2040 adopt a policy in line with the CASP to ensure setback consistency goals are not undermined by current archaic highway dedication requirements.
10. The Downtown Plan includes a requirement for two bedroom units in [specific] areas. Projects located within the Subarea A.4 are required to provide a minimum of 30% of all dwelling units as two bedrooms or larger. This requirement is overly prescriptive and may not be viable at all locations.
11. Sustainability features should be considered a community benefit and incorporated into the tiered incentive structure. By making FAR and height bonuses available to buildings with sustainability features above those required by code, the city can incentivize and promote a move towards the Mayor's Green New Deal.

We commend the efforts of Planning staff and look forward to a fruitful collaboration.

Sincerely,



Karin Liljegren, FAIA,  
Omgivning Architecture and Interiors  
Principal and Founder

# OMGIVNING

12.02.20

Vince Bertoni, Director  
City of Los Angeles Department of City Planning  
200 N Spring Street  
Los Angeles, CA 90012

**Subject: DTLA 2040**

Dear Mr. Bertoni,

We are a Los Angeles Architecture firm dedicated to the revitalization of DTLA through the reuse of existing and historic buildings. We have touched over 400 existing buildings in and around DTLA in the last 10 years. We've witnessed the strength of City directives to help transform our city and have been highly involved in policy reform such as the Bringing Back Broadway Initiative, LADBS's Broadway Historic Commercial Reuse Bulletin, Non-ductile Concrete ordinance, and our Founder, Karin Liljegren, was involved in the 1999 Adaptive Reuse Ordinance.

We are excited by the prospect of the DTLA 2040 document to again bring positive change. We have been analyzing and following revisions in the general DTLA 2040 plan for the past few years. In particular, we focused on Adaptive Reuse under Article 9, working with LACP for the past few months. We compared the new Adaptive Reuse incentives in the DTLA 2040 plan with the current Adaptive Reuse Ordinance and applied the new incentives to 8 case study buildings. LACP has been highly engaged in answering our questions and clarifying the language, and we are very appreciative of their time and efforts.

Below we identified our comments for both Article 9 as it pertains to Adaptive Reuse, and the general plan as a whole. While this document is highly transformative, we do not feel that it goes far enough. The cost of renovating and retrofitting old buildings has doubled in the last 20 years due to new codes, strict interpretations of existing codes and general construction cost escalations. Despite the increased challenges, we believe that retaining and reusing existing buildings is the key to carbon reduction in our city, and will play a critical part in the Mayor's 'Decade of Action' plan. These buildings need all the help that they can get to offset the high costs and ensure they remain. Incentives such as free floor area are a perfect solution. In light of what we have all learned from our current health crisis, social injustice crisis and climate crisis, we need as much flexibility and adaptability in our codes as possible.

## Article 9 - Adaptive Reuse

1. We recommend LACP distinguish between historic and non-historic adaptive reuse projects through additional incentives applied to historic projects. Currently, the 2040 plan only provides additional incentives for historic projects as part of a unified adaptive reuse project, or through TDR which applies to a small portion of the Arts District. This is very limiting as the

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majority of historic projects downtown are in dense areas with no empty development areas nearby that could be combined to constitute a unified project. This incentive structure promotes larger scale development but does not provide incentives specific to single historic properties which often face much more difficult, costly and lengthy retrofits than non-historic/newer properties.

2, cont.

2. The 2040 plan maintains the original Adaptive Reuse Ordinance floor area exemption incentive for residential use, which allows for new mezzanines to be added within an existing building's envelope. There are many places within existing buildings that can accommodate new floor area. This added area can create more revenue and offset the high cost of renovating and retrofitting these buildings. We recommend Historic Buildings with any use be allowed to have new intermediate floors and mezzanines that do not count towards floor area.
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# OMGIVNING

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We commend the efforts of Planning staff and look forward to a fruitful collaboration.

Sincerely,



Karin Liljegren, FAIA,  
Omgivning Architecture and Interiors  
Principal and Founder

OMGIVNING'S DTLA 2040 QUESTIONS/CLARIFICATIONS FOR PLANNING

| OMGIVNING QUESTION                                                                                                                                                                                                                                                                                           | DATE ASKED | ANSWER/CLARIFICATION FROM CITY PLANNING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | OMGIVNING RESPONSE / RECOMMENDATION                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Does the new adaptive reuse section allow for conversions from artist in residence to office or residential uses?                                                                                                                                                                                            | 08/11/20   | Yes, allowable uses for adaptive reuse projects are laid out in the underlying use district of each site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                     |
| What is a "visitor serving facility"? Is it specifically lodging?                                                                                                                                                                                                                                            | 08/11/20   | Visitor-serving facility refers to lodging hospitality, and retail programs. Under the new code, lodging is considered commercial use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                     |
| Current code language in section 9.4.5.C.3.c (new rooftop structures floor area incentive) is unclear. Would City Planning consider revising the section to state "The construction of new structures on the existing roof, shall not be considered new floor area, as long as the new rooftop structures:"? | 09/28/20   | Updating for CPC draft                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                     |
| Can a lot amenity be a small park that also has a food vendor/cafe for tenants? What if it was also open to the public? What about other private tenant/public accessed spaces such as a community room for meeting?                                                                                         | 08/11/20   | Yes, a small park with food vendors would be allowed as long as it is open to the public and does not require a purchase. Community rooms would constitute residential amenity but not lot amenity under the new code. We are adding clarification language to the public hearing draft to state bars and restaurant seating can count as long as it is open to the building tenants and does not require purchase.                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                     |
| Can bars/restaurants be considered accessory uses, and can accessory uses apply to AR office buildings under section 9.4.5.C.3.d (lot amenity space incentive)?                                                                                                                                              | 08/11/20   | Latest draft no longer specifies that rooftop addition must be for accessory uses - can be for any use permitted by the zone. All uses would qualify as long as it is permitted by the use district.                                                                                                                                                                                                                                                                                                                                                                                                         | It is unclear to us at this time where in the code it is stated that bars and restaurants may be considered an amenity space to a residential or office use project, and what restrictions would apply. How would this work when you have a bar/restaurant on a roof, and where will these requirements be written? |
| In the current code, trellises and canvas shade structures are considered new floor area. Please confirm that trellis or shade structures are not considered floor area in the new code. Can you share the code section where this is clarified?                                                             | 09/03/20   | See Floor Area Ratio definition in Article 14 Definitions - only considered floor area if it is enclosed and covered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |
| Why is section 9.4.5.C.3.g (floor area averaging) limited to unified AR projects? How does this section apply to the floor area incentive under section 9.4.5.C.3.b (floor area exemptions)?                                                                                                                 | 08/11/20   | Section 9.4.5.C.3.g (floor area averaging) is geared towards larger, Unified AR development projects. Such as a project that combines a new building and an existing building. You can transfer floor area from an existing building that is below the allowable floor area to a new building, and it will not be considered TFAR if it is on the same development site.                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                     |
| What is the process for zoning administrators to grant the use of the incentives set forth in this document to projects outside of the downtown community plan area?                                                                                                                                         | 08/11/20   | Eligibility for the adaptive reuse incentives will be granted using the ZAD process. Normal public hearings and a determination will follow along with a CEQA analysis, unless the building is in the current ARO plan area, then the current ARO can be used for the adaptive reuse of that building                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                     |
| Can parking be removed for an AR project if parking has been removed for the DTLA 2040 zone? What is the process when there is no parking on any building documentation, which often happens.                                                                                                                | 08/11/20   | Yes, parking can be removed. Parking is no longer required in the downtown planning area. For AR projects outside of the downtown area, the number of required parking spaces is governed by how many spaces existed on the site on June 3, 1999. However, if the required parking stated for the new use is less than the number of existing spaces, the number of spaces may be reduced to the number of required parking spaces.                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                     |
| Assuming all the new floor area that is added to a building is compliant with the incentives and is not considered new floor area, then is the base or bonus FAR for an adaptive reuse project not applicable?                                                                                               | 08/11/20   | Yes, assuming all new floor area is allowable under the provided incentives (roof top, basement, mezzanine), then the bonus FAR structure is not applicable. If the new floor area is not called out under the AR exemptions it would be subject to Bonus FAR limitations.                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                     |
| Is there a procedure for sites located outside of the designated TFAR area to be granted eligibility to use the TFAR program?                                                                                                                                                                                | 08/11/20   | TFAR will no longer be applicable in the downtown area, and tier 3 benefits have been added in its place. TDR for Historic Preservation however, will remain a tier 2 benefit in the Arts District only.                                                                                                                                                                                                                                                                                                                                                                                                     | Please refer to the "Transfer of Development Rights" slide from our Adaptive Reuse 2.0 Case Studies presentation and confirm that our analysis of this incentive is correct.                                                                                                                                        |
| If there is a new development site that is using either Unified AR or TDR incentives, can the improvements to the existing building still take advantage of the AR incentives (such as additional floor area) laid out in section 9.4.5.C?                                                                   | 09/29/20   | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                     |
| Can projects using the TDR incentive take advantage of multiple donor sites to further increase their development potential?                                                                                                                                                                                 | 09/29/20   | No Please see definition of Unified Adaptive Reuse Project: An Adaptive Reuse Project composed of two or more buildings, so long as the Project has all of the following characteristics: (a) functional linkages, such as pedestrian or vehicular connections; (b) common architectural and landscape features, which constitute distinctive design elements of the Project; and (c) a unified appearance when viewed from adjoining streets. Unified Adaptive Reuse Projects may include lots that abut or are separated only by an alley or are located across the street from any portion of each other. |                                                                                                                                                                                                                                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                        |          |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| We understand the intent of Section 9.4.5.B1 and 2 (applicability) is to have a rolling date (currently shown as buildings that are a min of 5 years old) and that the date of "1974" came from the current ARO. Please confirm.                                                                                                       | 09/02/20 | Correct, rolling date of 25 years                                                                                                                                                                                                                                                  | Per our experience and in conversation with OHR, we all believe the "1974" date was a random date set 25 years prior to when the ARO was adopted. It is not applicable to this new document and we recommend removing the date. We do however feel that a building that is only 5 years old may be a little too young to incentivize reuse of buildings and could maybe be 10 years old. |
| Currently, the AR incentive that allows for new area to be added into an existing building's envelope is section 9.4.5.C.3.e (mezzanine incentive). Would City Planning consider adding an intermediate floor incentive?                                                                                                               | 09/02/20 | No, this is not being considered.                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |
| If only the mezzanine incentive is kept, can it be increased to up to 50% of the room or space in which it's located for non combustible buildings to align with what is in the current LABC? Can the mezzanine incentive be extended to other AR uses, such as an office conversion?                                                  | 09/29/20 | Yes, this update is being incorporated.                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to confirm the Unified Adaptive Reuse/Historic Buildings Incentive (section 9.4.5.C.3.h) is intended to work as laid out in the scenario illustrated on the "Unified Adaptive Reuse" slide from our Adaptive Reuse 2.0 Case Studies presentation.                                                                        | 09/02/20 | Let's discuss                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to confirm that if no certificate of occupancy exists on record for a building, will other records such as building permits or other assessor records be acceptable for use in establishing the original construction date?                                                                                              | 09/02/20 | Yes, see section 9.4.6.B1                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                          |
| Per Section 9.4.5.B.3 (applicability of historic buildings), Survey LA buildings are not eligible to use the provisions of this document, which appears in conflict with the 9.4.5.C.3.h (Historic Buildings Floor Area Incentive). Does City Planning intend to revise this language?                                                 | 09/02/20 | Yes, update is being incorporated.                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                          |
| There are no additional incentives for historic buildings versus recent past buildings. Are you open to suggestions to further incentives historic buildings?                                                                                                                                                                          | 09/03/20 | The unified adaptive reuse incentive is only available for historic buildings. See Section 9.4.5.C.3.h                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to confirm if an existing building has a recent addition that does not meet Section 9.4.5.B1 or 2 applicability, will the entire project still be granted the use of all of these incentives?                                                                                                                            | 09/02/20 | Yes, update is being incorporated in CPC draft.                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to provide clarification on how AR incentives, such as the mezzanine, new basement use, and new rooftop structure incentives, may be combined with the newly proposed bonus FAR structure. Can City Planning confirm that any floor area added under the AR incentives will be omitted from the floor area calculations? | 09/02/20 | Yes - see row 16                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to confirm if sections 9.4.5.C.2 (loading space incentive) and 9.4.5.C.5 (loading space incentive) can be combined into one "Loading Space" incentive.                                                                                                                                                                   | 09/02/20 | Yes - will address in next draft                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to look into and provide clarifying language regarding the eligibility "no longer economically viable," as stated in section 9.4.5.E.2.b (supplemental findings.) Will there be a specific time frame associated with this determination?                                                                                | 09/02/20 | Not considering any additional language at this time. Do not anticipate ZAs considering time frames in making determinations.                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                          |
| Can a path be provided for other jurisdictions to adopt the AR 2.0 section of the DTLA 2040 code before the creation and implementation of a full community plan?                                                                                                                                                                      | 09/03/20 | There is potential to update the city wide adaptive reuse ordinance through a targeted code amendment. The Department is not exploring an admenment at this time.                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |
| Are AR projects subject to the same Lot Amenity Space and Residential Amenity Space requirements as new construction within the DTLA Community Plan Area?                                                                                                                                                                              | 09/03/20 | The public hearing draft will clarify that AR projects are exempt from lot amenity space and residential amenity space.                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                          |
| Is the Unified Adaptive Reuse incentive a "by right" incentive?                                                                                                                                                                                                                                                                        | 09/29/20 | Yes                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                          |
| Is the Transfer of Development Rights for Preservation of Historic Resources incentive a "by right" incentive?                                                                                                                                                                                                                         | 09/29/20 | No, this requires a Director Determination                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                          |
| Does the Solar ready zone still apply for new rooftop structures, which was tied originally to adding new floor area, but now no longer considered as adding new floor area?                                                                                                                                                           | 09/29/20 | Solar ready zone is regulated by the building code. This effort does to propose any changes to that language. The zoning code would not consider a roof top addition, mezzanine, or basement conversion as new floor area. Building & Safety interpretation needs to be clarified. |                                                                                                                                                                                                                                                                                                                                                                                          |
| Will floor area calculations be required to show what is and is not "new floor area" for plan check purposes? If not, how does City Planning anticipate the documentation of this information?                                                                                                                                         | 09/29/20 | Implementation will be clarified in future drafts.                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                          |
| City Planning to confirm that if AR incentives can be applied in instances that are not change of use, then can they also be applied multiple times / in multiple permits?                                                                                                                                                             | 09/29/20 | Will be clarified in future drafts.                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                          |
| For Unified AR projects, is it required to provide residential amenity space based on the entire residential area of the site, or only the residential area of the new construction portion?                                                                                                                                           | 10/23/20 | Currently the calculation would be based on unified site area. Will explore a reduction in future drafts.                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                          |
| Section 9.4.5.C.5 states, "Where a loading space is provided, it shall be maintained" does this mean that even if there is a change of use, the loading space must remain?                                                                                                                                                             | 10/23/20 | Exploring removing this requirement in future drafts.                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                                                                                                                                                            |          |                                                                                              |         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------|---------|
| What if an AR Office Building wanted to use the an Existing Elevator Penthouse as an office tenant space? Would that be allowed? Section D seems to preclude this because it states " Balconies, patios, terraces, recreation and fitness rooms, pools, gardens, and other lot amenity space areas that are created by reusing existing portions of an eligible building." | 10/23/20 | Elevator penthouse can be used as office tenant space, but it would count as new floor area. |         |
| If conversion of residential to office is allowed. Is there a mechanism to provide HCD relief.                                                                                                                                                                                                                                                                             | 10/23/20 |                                                                                              | Delete? |
| Why is the AR 2.0 silent about yards?                                                                                                                                                                                                                                                                                                                                      | 10/23/20 | No, yards requirement exist in DTLA.                                                         |         |
| Why is the the AR 2.0 silent about Mini-Shopping Center and Commercial Corner Development?                                                                                                                                                                                                                                                                                 | 10/23/20 |                                                                                              |         |





December 3, 2020

Dear Brittany and Craig,

The future of Downtown Los Angeles is exciting!

I have owned and operated several family businesses since 1986 and my family has been in business in the area since 1948. Currently, I am the owner of the California Flower Mall. We welcome the improvements to the neighborhood as they will have numerous positive effects on my business as well as the overall area. We share the City's vision, as articulated in the draft Plan, to **"...promote a dynamic, healthy, and sustainable Downtown core that is well connected to and supports the City of Los Angeles and the region."**

For many years, we have worked extremely hard with our fellow business owners to provide a clean and safe environment for business to survive and supporting our local economy, despite the day to day issues we all face. We understand no one is an island, but investments in the district improves the quality of life for the area.

We appreciate the City's Planning Department working closely with our downtown Districts, local business and property owners, and the community to address many of our concerns in the latest draft Plan.

While we support most of the revised draft Plan (November 2020), we want to submit the following **specific concerns and requests for changes to the City for review and consideration:**

- Remove restrictions on new housing
- Increase minimum floor area ratios
- Allow hotels in the IX2 Use District
- Increase building heights
- Ensure COVID pandemic related flexibility

**T** 213-488-1983    **F** 213-488-0973

825 South San Pedro Street, Suite 200, Los Angeles, California 90014

**californiaflowermall.com**



- Allow market rate housing in the Central City East area
- Adopt DEIR Alternative #3 to address the ongoing housing crisis and SCAH RHNA mandates
- Make the Community Benefits Program more financially feasible

1

Each of these items is further explained and expanded upon in the [LA Fashion District's Response Letter](#) for you to reference.

Thank you for your consideration on these important items. We look forward to further refinements of the visionary DTLA 2040 Plan.

Respectfully,

Mark Chatoff  
President, CFM  
Founding Board Member, Past Chair & Current Board Member, Fashion District BID

T 213-488-1983    F 213-488-0973

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[californiaflowermall.com](http://californiaflowermall.com)



December 1, 2020

Brittany Arceneaux, City Planner  
City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Via email: [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

**Re: Comments on ENV-2017-433-EIR: DTLA 2040 Draft Environmental Impact Report (DEIR)**

Dear Ms. Arceneaux,

Established in 1924, Central City Association is an advocacy organization committed to DTLA's vibrancy and increasing investment in the region. We are a membership organization comprised of approximately 300 members and our membership reflects the diversity of DTLA including housing builders, nonprofit organizations and large employers. We are committed to the DTLA 2040 Community Plan and making sure that it advances DTLA's growth and serves as a model for other areas in the city that are proximate to transit. We offer this letter to comment on the Draft Environmental Impact Report (DEIR) for DTLA 2040 and to raise key issues within the plan that we believe inhibit much-needed housing production amid a housing and homelessness crisis and will hinder economic recovery from the COVID-19 pandemic and future economic growth. **Importantly, the DEIR for this plan was prepared in a vastly different context than today -- prior to the COVID-19 pandemic and resulting economic depression, before the City was assigned a housing production goal of over 455,000 for the next eight years and apart from state and federal infrastructure considerations. As such, we strongly encourage the adoption of Alternative 3 in the DEIR to allow for the greatest housing and development capacity and flexibility to spur DTLA's recovery and best position the heart our city for private and public investment (REC #1).**

We believe that DTLA 2040 cannot be considered in a vacuum separate from the conditions affecting DTLA and the city at large, and what is at stake for our future. Our detailed comments on the plan herein are informed by three major considerations:

1. The deep impacts of the COVID-19 pandemic on DTLA and the City's economy and future growth;
2. The persistent housing and homelessness crisis, and unprecedented City housing production responsibility of over 455,000 new units over the next eight years alone, per the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA); and
3. The need for local land use plans to demonstrate a clear and substantial commitment to transit-oriented growth to compete for state and federal transportation infrastructure funding.

1. The Impacts of the COVID-19 Pandemic

While COVID-19 has impacted every community, DTLA, the city's urban high-rise core, has faced unique challenges as perceptions of urban living contributing to pandemic spread have perpetuated. Office towers are nearly empty, and many retail and restaurant businesses are shuttered which will likely persist for years to come as the pandemic has resulted in permanent job losses and shifts to remote work. DTLA normally receives over 22 million visitors in a given year, serving as an anchor of our local economy, but a depressed tourism market without conventions or events is reflected in an astoundingly low hotel occupancy rate of about 40 percent and drops in revenue per available room of over 50 percent compared to last year.<sup>1</sup> Apartment dwellers have increasingly looked to live

---

<sup>1</sup> *Second Quarter 2020 Downtown LA Market Report*, Downtown Center Business Improvement District:  
<https://ctycms.com/ca-dtla/docs/dtla-market-report-q2-2020.pdf>



outside the city center, and residential rents have fallen by seven percent compared to last year and vacancy rates are near 15 percent.<sup>2</sup>

The pandemic has dramatically changed the landscape of DTLA. Projects that were previously financially viable have greatly diminished in value. We're hopeful that DTLA's economic prospects will strengthen as restrictions are lifted, successful vaccines are obtained and made widely available and perceptions of urban life improve. However, it may be some time before circumstances get better, and DTLA 2040 must be sensitive to this economically vulnerable context if we are to continue to see new growth and community benefits in DTLA.

## 2. The Housing and Homelessness Crisis and RHNA Obligations

As the Southern California Association of Governments (SCAG) finalizes the 6<sup>th</sup> Cycle RHNA, it's clear that the City of Los Angeles will be responsible for delivering an incredible amount of new housing by the order of more than 455,000 units between 2021 to 2029. The magnitude of this housing target cannot be overstated – in the City's history, only 420,000 units were built at the peak of housing production over the course of 20 years between 1960 to 1980. At the same time, homelessness in the city continues to increase, growing by over 14 percent last year reaching more than 41,000 unhoused people living in the city, 16 percent of whom are in DTLA which is the largest concentrated street homeless population in the nation. While this housing goal stands out as seemingly astronomical, in reality it reflects a persistent housing and homelessness crisis that has long-been one of the major issues facing the city and region, but left largely unaddressed by solutions of the necessary scale.

2

The DTLA 2040 plan notes that SCAG projects that DTLA will make up over 20 percent of the city's growth over the next two decades, which is a significant share of the City's RHNA target and means that at least 12,000 units per year on average need to be built in DTLA over the next eight years alone. As the region's transit and job hub, DTLA must play an outsized role in meeting this ambitious goal, requiring DTLA 2040 to provide substantial capacity for new growth. Alternative 3 of the DEIR is the superior alternative as it would enable the greatest growth and housing production.

## 3. Competing for State and Federal Infrastructure Funding

State and federal funding for transportation and other infrastructure projects are increasingly tied to land use plans that provide substantial new opportunities for growth and development near transit. Moreover, current efforts to establish an Enhanced Infrastructure Financing District (EIFD) in DTLA offer the promise of a dedicated local source of funding for an array of public benefit projects, including affordable housing, in DTLA that can also help attract supplemental state and federal funding, but can only be impactful if supported by land use planning that promotes new development to bolster property tax increment growth.

As we continue to build out our regional transit system, revamp our bus network to be world class and dedicate resources to making DTLA and our city truly multimodal, the success of these major investments will be dependent on coordination with visionary planning for new development in tandem. It is also critical as we look ahead to draw new public and private investment to DTLA and our city – DTLA 2040 must be a clear signal to this end.

3

We believe much of the plan as proposed is a great improvement to DTLA's land use and planning framework and we are appreciative of City Planning's outreach and engagement, and the important changes already made to the plan over the course of its development. We recognize that DTLA 2040 is an enormous undertaking for City Planning as it will be the first community plan to implement the new citywide zoning code. We appreciate the significant resources dedicated to the plan's development and are pleased that DTLA continues to be the City's laboratory for new ideas, but DTLA 2040 must go even farther to promote a bold, exciting and resilient future for our city center. **We offer this letter to strongly encourage adoption of Alternative 3 in the DEIR and to provide detailed suggestions to enhance the plan, with the goal of a connected, equitable and inclusive DTLA that has a broad range of housing**

<sup>2</sup> Ibid.

## options and affordability, park space, education and childcare facilities and diversity in mobility and employment opportunities.

Building off of our [January 21, 2020 letter](#), we've broadly categorized our recommendations as follows: 1) maximizing opportunities for housing at all income levels, including middle-income housing and 2) creating flexibility within the plan to be adaptable over the next two decades. Underpinning this all, we are focused on a plan that can support financially feasible development, which is critical to yielding the housing growth and maximum community benefits envisioned in the plan as well as depoliticizing development in DTLA.

3, cont.

### Maximizing Opportunities for Housing, Including Middle-Income Housing

CCA strives to make DTLA the place for new housing at all income levels. Despite being just one percent of the city's land, DTLA accounts for over one-third of new apartment units built in the city over the past decade. Ensuring that substantial new housing can continue to be built in DTLA is essential to addressing our regional housing crisis and meeting our RHNA and environmental sustainability goals by focusing growth in the densest and most transit- and job-rich area of the city.

On paper the plan would generally expand where housing is allowed from 33 percent of the plan area to 60 percent and major changes toward parking policy like eliminating minimum parking requirements are important steps to supporting project feasibility and fostering high-quality development appropriate for urban cores. Additionally, we appreciate the recent revision to the plan to no longer count above-ground parking toward project FAR, which would have had diminished capacity for housing. Still, there are specific provisions throughout the plan that would negatively impact the feasibility of housing development in practice. We believe the following provisions are problematic as proposed and offer suggested solutions that reasonably accommodate plan intent and economic feasibility.

#### Financial Feasibility of the Community Benefits System

The plan's proposed Community Benefits System would allow developments to maximize FAR and build larger than otherwise allowed under the base zoning in return for providing certain public benefits, namely affordable housing, publicly-accessible open space and community facilities. This new system would apply throughout the plan area and replace the Transfer of Floor Area Rights (TFAR) program that currently applies only to South Park, the Financial District and parts of the Historic Core. We are generally supportive of the proposed concept of the Community Benefits System, and we share the goal of realizing more on-site public benefits, especially affordable housing. We are also pleased to see recent changes to the Community Benefits System that provide clearer upfront standards to enable Level 2 benefits like open space and community facilities through a by-right process rather than via discretionary review. However, we are concerned about specific provisions that impact the financial feasibility of utilizing the bonus FAR, particularly for high-rise projects at this immensely economically challenging time for DTLA.

The economic fallout from the pandemic presents major issues for building in DTLA, but it's important to note that the Community Benefits System, primarily the affordable housing bonus provisions, poses challenges for the financial feasibility of development even in strong economic conditions. As shown in the table below, Level 1 of the DTLA 2040 Community Benefits System is essentially aligned with the City's Affordable Housing Density Bonus and Tier 1 of the Transit Oriented Communities (TOC) Program in terms of the percentage of affordable housing required by income level (with the exception of options for Deeply Low and Moderate Income housing under DTLA 2040). However, the FAR bonus for providing affordable housing is 35 percent, which is at the lowest end of the City's affordable housing incentive programs in alignment with the Density Bonus.

Comparison of DTLA 2040 Level 1 Affordable Housing Incentive Program and Other City Affordable Housing Programs

|                            |                  | TOC Tier 1 | TOC Tier 2 | TOC Tier 3 | TOC Tier 4 | Affordable Housing Density Bonus | DTLA 2040 Community Benefits Program Level 1 |
|----------------------------|------------------|------------|------------|------------|------------|----------------------------------|----------------------------------------------|
| Affordability Requirements | Deeply Low       | n/a        | n/a        | n/a        | n/a        | n/a                              | 5%                                           |
|                            | Extremely Low    | 8%         | 9%         | 10%        | 11%        | n/a                              | 8%                                           |
|                            | Very Low         | 11%        | 12%        | 14%        | 15%        | 11%                              | 11%                                          |
|                            | Low              | 20%        | 21%        | 23%        | 25%        | 20%                              | 20%                                          |
|                            | Moderate         | n/a        | n/a        | n/a        | n/a        | n/a                              | 40%                                          |
| Bonus                      | Density Increase | 50%        | 60%        | 70%        | 80%        | 35%                              | n/a                                          |
|                            | FAR Increase     | 40%        | 45%        | 50%        | 55%        | 35%                              | 35%                                          |

The Density Bonus and TOC programs have been effective at producing mixed-income developments with on-site rent-restricted affordable housing elsewhere in the city. However, most development in the city outside of DTLA is mid-rise wood frame construction, which is a less costly type of construction than the high-rise concrete and steel construction that is typical in DTLA. Type I projects, which are generally high-rise buildings made of concrete and steel, cost an average of \$71 per square foot more than other construction types like Type V wood frame buildings.<sup>3</sup> Coupled with adverse economic conditions, this means that high-rise construction in DTLA faces higher costs for lower value. We believe DTLA is the best place for high-rise construction, which is the most efficient way to build a high volume of housing near transit, and is largely built with unionized labor, providing well-paying jobs. **We recommend that Level 1 of the DTLA 2040 Community Benefits Program provide a more substantial FAR increase to support the feasibility of high-rise construction. We also believe that the ability to contribute an in-lieu payment or partner with an affordable housing provider to provide affordable units off-site are good, important features of the Community Benefits System that must be maintained as they offer necessary flexibility (REC #2).**

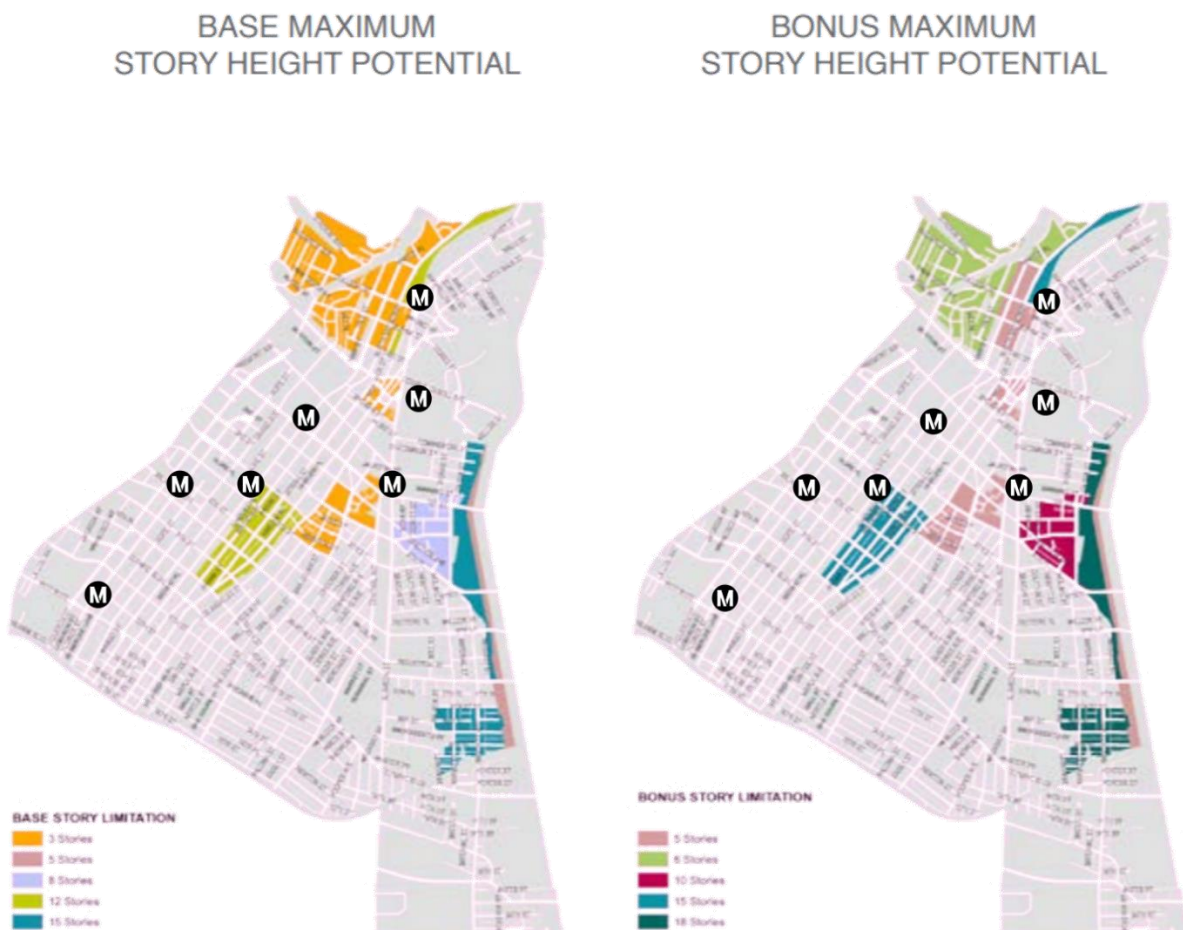
Additionally, we are concerned about recent changes to the plan whereby base FARs were reduced in Chinatown, Little Tokyo and areas of the Historic Core and Fashion District. The changes are substantial: from 6.0 to 2.0, a 66 percent decrease, in Chinatown and Little Tokyo, and from 7.0 and 6.0 to 3.0, a 60 percent and 50 percent decrease respectively, in the Historic Core and Fashion District. While we understand the intent of these changes is to ideally increase usage of the Community Benefits System, we are concerned that this is too dramatic of a change that tips the scales of project economics to be economically infeasible. These are walkable, transit-rich areas where we want to promote growth, but the reductions in base FAR create a de facto scenario where the FAR is too low to build a viable project under the base FAR allowances on the one hand while simultaneously placing a large financial onus on projects to obtain bonus FAR via the Community Benefits System. Because the Level 1 affordable housing FAR bonus is 35 percent of the base FAR, the Level 1 bonus is necessarily reduced as well (for example, a 35 percent bonus on 6.0 base FAR is an additional 2.1 FAR, but is only an additional 0.7 FAR on a 2.0 base FAR). The October 2019 financial feasibility analysis of the Community Benefits System prepared by HR&A Advisors for the City specifically highlights this issue, stating that Chinatown and a large swath of the Fashion District leading into the Historic Core, where most of these FAR changes would apply, “are unlikely to support larger high-rise developments until market performance matures further, and thus are not able to support public benefits to the same degree as Place Types with strong submarkets.” **As it’s clear that these recent reductions in base FAR would jeopardize development feasibility, we firmly recommend maintaining base FARs as they were proposed prior to the Fall 2020 changes to the plan. (REC #3).**

<sup>3</sup> *The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California*, UC Berkley Turner Center for Housing Innovation: [http://turnercenter.berkeley.edu/uploads/Hard\\_Construction\\_Costs\\_March\\_2020.pdf](http://turnercenter.berkeley.edu/uploads/Hard_Construction_Costs_March_2020.pdf)

### Building Height Limits and Minimums

As shown in the map below, the plan would impose base and bonus (with use of the Community Benefits Program) maximum building height limits in Little Tokyo, the northern portion and eastern edge of the Arts District, Chinatown, and Historic Core, all of which are close to existing Metro rail stations. There are also major transit projects in the pipeline, like the Regional Connector, West Santa Ana Branch and Streetcar. Like the reduction in base FARs, we take issue with the proposed building height limits, particularly in areas near transit stations as we are investing hundreds of billions of dollars in building out our transit system and as these are exactly the areas we need our city to grow to become less car-dependent and more affordable and sustainable. It is essential to demonstrate our commitment to growth in areas near transit as we compete for infrastructure funding from the state and federal governments.

### **Base and Bonus Height Limits with Existing Metro Stations**



We recognize the need to preserve DTLA's historic neighborhoods, communities and buildings but are concerned about the proposed approach. Blanket height limits are not an appropriate tool for neighborhood preservation. Historic districts and buildings should be considered through the requisite historic preservation and landmarking processes, which is much more targeted and would not inhibit growth on sites that might not have historic or cultural



significance. Additionally, we believe that context-sensitive growth can occur with the use of urban design tools like setbacks and street frontage requirements.

Furthermore, in many cases, the proposed building height limits are not aligned with the economic realities of development and the constraints of relative construction materials. For instance, mixed-use buildings can generally be built with wood frame over a concrete parking and retail podium to a maximum of eight stories under the building code, and buildings made of concrete and steel can be taller but typically need to be a minimum of 20 stories to be financially feasible and justify the additional costs of the more expensive labor and building materials. Some of the proposed base and bonus height limits in areas of DTLA are 12 stories and 15 stories, respectively, and 15 and 18 stories, respectively. With a few exceptions for large sites that can accommodate a lot of building capacity, most mixed-use developments will not even be able to build to the base height limits of 12 and 15 stories, and these height limits will act like an eight-story limit in reality. This means that the growth envisioned by the plan may not actually occur and the resulting community benefits will also not be delivered.

**To promote context-sensitive growth and density near transit, respect neighborhood character and appropriately preserve historical assets in a way that reflects the economic realities of development, we recommend that building height maximums be removed and instead utilize FAR, setbacks and frontage requirements to govern building height and massing, and that historic communities be considered instead through the established historic preservation processes (REC #4).**

Conversely, the new zoning code proposes to include building height minimums, which may also be problematic and limit the potential for new development. While the intent of this is clearly to encourage, and even require, high-rise development, the reality is that high-rise development may not be feasible in certain locations or for certain uses including most affordable housing developments. For instance, K-12 schools, which are incentivized as a Tier 2 community benefit, typically require one-story or other generally low-rise construction, but they would be precluded in many areas. **We recommend that minimum building height requirements be removed to avoid unintended outcomes like limiting the potential for vacant or underutilized land to be redeveloped into desirable uses like affordable housing, schools or mid-rise mixed-use developments (REC #5).**

#### Transit Core General Plan Land Use Designation

Similar to our concerns about base FAR reductions and building height limits near transit, we believe the Transit Core General Plan land use designation is not being appropriately applied in connection with where transit exists now and in the future, and that we must do more to leverage public investment in transit infrastructure. The Transit Core designation allows projects that use the Community Benefits System to calculate FAR using the centerline of the street, which has been a successful feature of the current Transfer of Development Rights (TFAR) system that allows projects in DTLA to be larger and yield more public benefits. **We recommend that the Transit Core General Plan land use designation be expanded to include all areas close to existing, entitled and future transit to maximize development opportunities (REC #6).**

#### Limits on Housing in Hybrid-Industrial Areas

The plan effectively limits new housing in the Fashion District and Arts District to live/work units only. While recent updates to the plan would technically allow more types of housing in the Fashion District, there is a requirement that projects with housing be coupled with a minimum of 1 FAR of office or light industrial space, unless they are live/work. As there is very little demand for new office or light industrial uses in these areas, and with the uncertainties around these uses resulting from COVID, we believe the code as written will have the effect of limiting development in hybrid industrial areas to live/work.

We understand that the City may be constrained in this area by the Framework Element of the General Plan, which essentially limits the ability to rezone industrial areas and requires some amount of “jobs-producing” uses. However, we do not believe that a document adopted 20 years ago should inhibit our ability to plan for another 20 years into the future and cause us to settle for live/work housing when we want to create inclusive, dynamic neighborhoods.

In general, live/work units require high floor to ceiling heights and must be built to commercial standards so are typically more expensive to design and build than a residential unit. The plan requires that live/work units in a project must be a minimum average size of 750 square feet in the Fashion District and 1,000 square feet in the Arts District, which is very economically and spatially inefficient for studios and one-bedroom units. Because they are lofts and lack the walls or partitions of conventional apartments, they are generally not good units for families; requiring these kinds of units is inherently exclusionary. Lastly, they are also impossible to monitor to ensure that they are supporting economic “job-producing” activity, rather than just serving as costly residential lofts.

**We recommend that City Planning adopt an amendment to the Framework Element in tandem with DTLA 2040, which will allow for far greater flexibility to plan hybrid industrial areas as mixed-use neighborhoods with a diversity of housing types (REC #7).** In lieu of amending the Framework Element, we believe that there could still be more flexibility for different housing types in Hybrid-Industrial areas. **In the absence of an amendment to the Framework Element, we recommend that for projects that include more conventional multi-family housing, set the commercial space requirement as 10% of building area, which will create fairer rules for all projects than the current requirement that is based on lot size, especially those that don’t use a site’s full FAR (REC #8).**

The proposed IX4 Use District that applies to the Arts District also requires that all new structures be built entirely as Type I, II or IV construction, which largely excludes the use of wood materials. As mentioned earlier, wood is more affordable and sustainable than concrete and steel building materials. Wood has also been successfully used to build compellingly designed buildings in the Arts District and throughout the city. Amid our current housing crisis, greatly reducing the ability to use wood construction is counterproductive and runs counter to our goal of making DTLA the place for housing at all income levels. **DTLA 2040 is seemingly the first community plan that has attempted to dictate construction types and we believe such a determination is out of scope for zoning codes to mandate and should be left to building and safety codes – we recommend that this requirement be removed from the plan (REC #9).**

#### Ban on Market Rate Housing

As proposed, DTLA 2040 will not allow market rate housing in a specific area of DTLA from 5<sup>th</sup> to 7<sup>th</sup> Streets and San Pedro Street to Central Avenue. We echo and fully endorse the report titled [The Voices of Central City East](#) submitted by the Central City East Association (CCEA) regarding this neighborhood of DTLA.

As CCEA highlights, the intent of banning market rate housing in this area may be to preserve existing affordable housing and single room occupancy hotels, but it is unnecessary given covenants, the Residential Hotel Conversion and Demolition Ordinance, the Wiggins Settlement and predominance of housing that is owned by non-profit organizations with a mission to provide shelter to vulnerable populations. This area contains the largest concentration of unsheltered homeless people in the nation. It is an area of extreme poverty and need. Banning market rate housing would further concentrate poverty in this area of DTLA and run counter to stated DTLA 2040 plan goals of inclusive and diverse neighborhoods.

To date, there are no market rate developments, built or proposed, in this area. Imposing this provision would only freeze the current conditions and further a failed policy of containment. We believe this policy also directly conflicts with the federal mandate to Affirmatively Further Fair Housing (AFFH). Affordable housing is an important part of DTLA 2040, and it should be integrated throughout the plan area. We strongly support housing opportunities for all incomes across DTLA as the primary tool to address the complicated and extensive challenges of homelessness and poverty in our city.

It's important to recognize that the Community Plan, which is a land use and zoning plan, cannot alone address the challenges of this area. Truly meeting the needs of this area requires a much broader effort that involves mental health, workforce development and social services, which will take coordination from multiple departments and organizations, which we support and encourage.

**We support CCEA's report and recommendations, and likewise recommend that the ban on market rate housing from 5<sup>th</sup> to 7<sup>th</sup> Streets and San Pedro Street to Central Avenue be removed from DTLA 2040, and instead urge City Planning to consider ways the area's zoning can be tailored to produce mixed-income developments and socioeconomic integration and inclusion (REC #10).**

### Micro-Units

CCA has been strongly supportive of micro-unit housing, including publishing a [white paper on micro-units](#) and advocating for a [proposal put forth by Councilmember Cedillo](#) for the City to assess barriers and policy changes to support micro-units. The Community Plan Text includes micro-units as a priority for new housing types (LU 2.6), however there is an important missing policy tool that would help effectuate this goal.

A simple but meaningful policy change would be allowing affordable units to be a different mix than market rate units in the same building, but still require the same amount of overall affordable floor area. The unit finishes, access points for entry/exit and amenities would be identical for the market rate and affordable units. For example, DTLA 2040 could allow two 350 square foot affordable units on par with one 700 square foot market rate unit in the same building. This would be a deviation from the City's [Affordable Housing Guidelines](#), which generally require that affordable units be the same average square footage and number of bedrooms as market rate units in the same building.

We believe that DTLA is an appropriate place for a flexible policy to encourage affordable micro-unit housing because it is dense, transit-rich and walkable, which are all complementary to micro-units. We also believe this is meaningful tool to increase the amount of affordable housing that can be leveraged by non-subsidized development and may help to deliver the workforce, moderate income housing that is currently not being built but is needed.

**We recommend DTLA 2040 allow affordable units to be a different mix than market rate units in the same mixed-income buildings, but still require the same amount of affordable floor area as a percentage of overall residential floor area akin to the number of affordable units that would be required of the total number of units (REC #11).** This would yield a greater number of affordable housing units while still requiring the same dedication of square footage.

### **Creating Flexibility Within the Plan to be Adaptable Over the Next Two Decades**

DTLA 2040 will guide DTLA's growth over the next 20 years but it is unreasonable to believe that we can adequately plan in anticipation of the changes that will take place over that time. It is fundamentally important that the plan set a strong overarching vision for DTLA but be structured to provide sufficient flexibility to adapt to changes if it is to be a success. When we refer to flexibility, we mean allowing a broad range of land use and development scales, designs and typologies in all areas of DTLA, and with clear, simple approval pathways for minor deviations that may be necessary to facilitate development. We believe that highly specific provisions included in the plan today, even if well-intentioned, may have unintended downstream consequences that will make the plan less useable in the future, and instead result in projects seeking discretionary review or quell development altogether. Here again, we are appreciative that City Planning has recently made important changes that remove unnecessary constraints and create more flexibility in alignment with plan goals with revisions such as no longer requiring schools and child care facilities to obtain Conditional Use Permits (CUPs) in most areas, and not limiting hotels by number of rooms or ground-floor commercial tenants by square footage outside of Chinatown and Little Tokyo. We believe there are additional areas of the plan that can be amended to ultimately make DTLA 2040 more flexible and sustainable, and we outline each area of the plan where we believe provisions are overly rigid and with our recommended revisions.

## Approval Processes

We know that City Planning and CCA have a shared goal of ensuring that DTLA 2040 greatly reduces the need for projects to seek discretionary approvals and creates greater capacity for by-right and ministerial approval processes. The approval processes laid out in DTLA 2040 refer back to the Processes and Procedures Ordinance, which is Article 13 of the new citywide zoning code being created as part of the re:code LA project. However, we are concerned that the Processes and Procedures Ordinance has not yet been finalized and adopted, and likely will not be until the middle of 2021. This makes it very challenging to provide detailed comments on the approval processes under DTLA 2040 and creates uncertainty for implications that the Processes and Procedures Ordinance might have on DTLA 2040. We're hopeful that the proposed zoning that is established under DTLA 2040 will produce financially feasible developments, but we know that there's a good possibility that projects with unique circumstances will need to deviate from the baseline zoning to be feasible. **While ultimately providing objective criteria and flexibility in each site's zoning is the best way to avoid issues of uncertainty and discretion in the approval process, we recommend that City Planning provide very clear, administrative clearance processes that are CEQA-exempt for deviations and relief mechanisms like alternative compliance, variances and adjustments (REC #12).**

4, cont.

We also appreciate that the proposed plan creates higher Site Plan Review thresholds for projects that use the Community Benefits System to be 500 units or 500,000 square feet of nonresidential space, up from 50 units and 50,000 square feet of nonresidential space. We have long been advocates for a more sensible approach to Site Plan Review that does not punish dense, urban development, particularly in our urban core. Although we believe the higher Site Plan Review benchmark is certainly an improvement over the very low threshold currently, we believe that affording this only to projects that use the Community Benefits System creates a punitive scenario for projects using only the base zoning and does not account for DTLA's role as the city's center for growth. **We recommend that projects, whether using the base zoning or the Community Benefits System, not be subject to Site Plan Review or other discretionary review processes if they comply with a site's allowable zoning and are not seeking any additional changes (REC #13).** We believe this is logical and is the very purpose of areawide planning efforts like DTLA 2040. Many cities use this model, and San Diego, the nearest big city to do so, is a good example.

## Frontage Design Requirements

Through the use of Frontage Districts, the plan would create highly specific design requirements for buildings in the Arts District and Historic Core. Recent updates to the plan relaxed some of these requirements by now allowing buildings in these areas to have balconies, no longer prohibiting features like flat roofs and applying the frontage requirements to only the first few stories of buildings. These changes are improvements, but we believe the Frontage Districts in the Arts District and Historic Core are still very prescriptive and will constrain creative approaches to design and architecture. We continue to work with our members to contemplate how these Frontage Districts can be more flexible. We suggest providing a range for ground-floor heights rather than a set minimum of 22' in the Arts District, changing language for symmetrical lite pattern to be more open such that "glazed openings should be divided into smaller components" or something similar, making base-middle-top a "reference" rather than a requirement so that there is room for architects to interpret incorporation and similarly expanding options for expressing the horizontal and vertical banding "by reference" or "interpretation." **We recommend that City Planning continue to explore ways of modifying the Arts District and Historic Core Frontage Districts to strike a balance between fostering contextual design with the potential for creative approaches and innovation. We welcome the opportunity to collaborate to further consider how this can be accomplished (REC #14).**

## Industrial Zoning

The plan expands opportunities for mixed-use development, but there is still a large area of DTLA proposed to be maintained as industrial even though we know that retaining industrial land does not mean retaining industrial jobs or job-intensive uses. We witnessed the number of job-intensive uses like manufacturing convert to less productive

uses like wholesale in DTLA despite the fact that land uses have not been changed in much of DTLA's industrial areas. Between 2002 to 2017, manufacturing jobs decreased by 64 percent while jobs in wholesale trade increased by only six percent within the DTLA 2040 area.<sup>4</sup>

DTLA's economic success over the past two decades has instead been defined by increased livability, with the introduction of substantially more housing, public investments in transit and open space and accompanying amenities like places to shop and eat. This change has attracted new DTLA residents, encouraged more job-intensive and higher-paying businesses to locate here and more visitors to come here, which have replaced industrial-oriented jobs that largely disappeared over the past two decades. As those jobs shrunk between 2002 to 2017, jobs have increased by 14 percent in information industries, 24 percent in professional, scientific and technology services, 44 percent in arts and entertainment, 72 percent in accommodation and food services and 119 percent in health care industries.<sup>5</sup>

We should continue to build on this success and inject new uses into areas where jobs have declined, not perpetuate the decline of those areas by freezing the allowable land uses. Moreover, the few existing schools in DTLA are in industrial areas, meaning we should aim to introduce new active uses to support community building around these schools and support their long-term success.

Industrial areas are not likely to change overnight. Industrial vacancy rates are historically low and industrial rents are historically high, due to supply constraints across the LA area for small-format industrial uses for warehousing and distribution. Even if the zoning were permissive of conversion to other uses, the current market for industrial uses is likely strong enough that these properties would not convert to other uses in the near term. **We recommend that DTLA 2040 not include areas zoned exclusively for industrial uses, and that these areas should instead provide more flexible zoning to allow them to gradually convert to other uses, including housing, over the long term (REC #15).**

#### Adaptive Reuse

The Adaptive Reuse Ordinance (ARO) was a major catalyst for the revitalization of DTLA following its adoption in 1999. It unlocked the potential of DTLA's beautiful but obsolete historic office and bank buildings to have new lives as quality housing stock, and led to the first major influx of residents in DTLA. However, only buildings constructed prior to 1974 can utilize the ARO by-right, and any built more recently than that must go through an onerous discretionary review process.

We believe that expanding and enhancing the ARO can be an important tool to furthering the economic vitality of DTLA and is needed more than ever as the future of many of our commercial uses face great uncertainty due to the pandemic. We appreciate that City Planning has already made positive updates to the ARO in the draft plan like expanding eligible uses and by exempting certain features like basements and rooftop additions from FAR calculations. **To increase usage of the ARO, we recommend applying it to buildings constructed after 1974 on a rolling basis going forward (REC #16).**

#### Limits on Hotel Rooms and Ground-Floor Commercial Tenant Sizes

Recent changes to the plan largely removed limitations on hotels by number of rooms and ground-floor commercial tenants by square footage in all areas of the plan except for Chinatown and Little Tokyo, expressed by the CX1 Use District, which limits hotels to a maximum of 49 rooms and ground-floor commercial tenants to a maximum of 5,000 square feet.

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<sup>4</sup> According to data from the U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017) for the Downtown Community Plan Area.

<sup>5</sup> Ibid.

Tourism is an anchor of our local economy and is critical to supporting businesses in Chinatown and Little Tokyo. **We recommend that the 49-room limit on hotels be removed in Chinatown and Little Tokyo as there is no clear rationale for this limit, and it is antithetical to strengthening DTLA's role as a major visitor destination (REC #17).** Additionally, unique among other big cities, DTLA 2040 would not allow hotel rooms to have kitchenettes. Rooms with kitchenettes are an increasingly popular lodging option, and are a useful, safe alternative amid the pandemic as dining out is limited. For DTLA to truly be a world class destination, it needs more flexible and adaptive lodging solutions that reflects the way guests travel today and how current events will shape guests' future preferences. **We recommend that DTLA 2040 allow hotel rooms to include kitchenettes (REC #18).** This is also an opportunity for the City to clear up issues of interpretation around extended stay hotels and show its commitment to innovation in lodging options.

Moreover, the intent of the limitation on ground-floor commercial business size seems to be to preserve these areas for small businesses, and/or achieve a small-scale business look and feel. We believe supporting small business growth and preservation is a worthwhile objective, but limiting businesses by square footage is a blunt policy tool that could negatively impact neighborhoods and exclude potentially desirable businesses. For instance, even the smallest grocery stores typically require 7,500 to 10,000 square feet of space, but these limitations would preclude them, despite a strong need for grocery stores in DTLA.

There's also no guarantee that small space limits would result in small businesses occupying these spaces instead of a franchise or chain business – this capacity is likely outside the scope of any Community Plan and would be better addressed through economic development policies. Instead, the Community Plan and zoning code could promote urban design that imbues a small business aesthetic, with awnings, required transparent frontages, plantings and articulation of storefronts. **We recommend that the tenant size limits be removed in Chinatown and Little Tokyo, and that other urban design tools be employed to provide for a small commercial look and feel in targeted areas while working with other City agencies to develop economic development tools to support small business in DTLA (REC #19).**

#### Public Open Space

The Community Benefits System suggests that public parks and open space must be provided at the ground floor. We believe this may be overly restrictive and prevent creative architecture and landscape design for these spaces. For example, a constrained site with proposed on-site public open space may not be able to provide all the open space at the ground floor but could instead provide terraced, stepped or undulating open space. This flexibility would allow the provision while also providing a unique design. A good local example is the public open space attached to the Walt Disney Concert Hall. **We recommend that the language regarding public on-site open space be expanded to state that it must be "clearly accessible" to the public, rather than required to be on the ground floor (REC #20).**

#### Transfer of Development Rights (TDR)

DTLA 2040 proposes to create a new TDR system applicable only to the Arts District. We would like to better understand why the TDR system only applies to the Arts District, and whether receiver sites may be outside the designated area or if both donor and receiver sites must be in the area. It is also unclear why SurveyLA or any historic survey may be used under the TDR system when they do not necessarily result in official historic designations. **We recommend that the TDR system be more broadly applicable across DTLA and that the criteria for historic resources be more closely tied to official historic designation (REC #21).**

#### Downtown Development Corporation & Infrastructure Coordination

Although the creation of a Downtown Development Corporation, an entity that would coordinate infrastructure and development projects and resources in DTLA, is outside of the scope of City Planning, it is worth considering as a policy objective in the Community Plan. The Community Benefits System is dynamic and exciting but is ultimately





limited to public benefits that can be provided by individual development projects on a one-off basis. For example, this means that while we have a broad objective of building more high-quality public open space in DTLA, the Community Benefits System may encourage individual sites to provide relatively small public open spaces, but is generally not designed to contribute to larger-scale open space projects like the redesign of Pershing Square or the Park 101 freeway cap park. These larger-scale projects would be better suited for a Downtown Development Corporation that could leverage public and private funds, and tools like EIFDs currently under study for DTLA and other tax increment financing (TIF) mechanisms. Notably, EIFDs can also fund affordable housing.

We believe that both on-site public benefits with individual projects and large-scale public benefit projects are important and welcome in DTLA. The Community Plan should lay the foundation for both. **We recommend that City Planning include a policy goal to coordinate DTLA 2040 land use planning with EIFD planning being led by LA Metro and the Economic and Workforce Development Department (EWDD) and that DTLA 2040 include the creation of a Downtown Development Corporation to plan, manage and implement large-scale public benefit projects and support funding for affordable housing within its policy objectives (REC #22).**

We know that the future of DTLA will set the course for the future of our city, and the DTLA 2040 plan will serve as the guiding framework for DTLA's growth over the next two decades. This plan is also being considered at a time when DTLA faces incredible uncertainty and adversity due to an unthinkable combination of circumstances including a global pandemic that has resulted in economic depression and questions about the fundamental values of dense urban living, development-related corruption charges against our neighborhood's former City Councilmember, and a persistent housing and homelessness crisis. The moment for leadership and a bold, visionary plan for DTLA could not be more important or necessary. We are pleased to work with you on this tremendously important plan, at an unprecedented time in the city's history. We are grateful for City Planning's continued partnership and look forward to seeing this plan be further refined as it moves through the approval process. Thank you for your consideration.

Sincerely,

Jessica Lall  
President & CEO, Central City Association of Los Angeles

Attachment: Summary of Recommendations

CC: Councilmember Gil Cedillo, Council District 1  
Councilmember Kevin de Leon, Council District 14  
Councilmember Curren Price, Council District 9  
Deputy Mayor William Chun, Office of Mayor Eric Garcetti

### **Summary of Recommendations**

1. We strongly encourage the adoption of Alternative 3 in the DEIR to allow for the greatest development capacity and flexibility to spur DTLA's recovery and best position the heart of our city for private and public investment.
2. Provide a more substantial FAR increase for Level 1 of the DTLA 2040 Community Benefits Program to support the feasibility of high-rise construction, and maintain the ability for in-lieu payments or partnering with affordable housing providers to provide affordable units off-site, which offer necessary flexibility.
3. Maintain base FARs as they were proposed prior to the Fall 2020 changes to the plan as it's clear that recent reductions in base FAR would jeopardize development feasibility.
4. To promote context-sensitive growth and density near transit, respect neighborhood character and appropriately preserve historical assets in a way that reflects the economic realities of development, building height maximums should be removed and instead FAR, setbacks and frontage requirements should govern building height and massing, and historic communities instead considered through established historic preservation processes.
5. Remove minimum building height requirements to avoid unintended outcomes like limiting the potential for vacant or underutilized land to be redeveloped into desirable uses like affordable housing, schools or mid-rise mixed-use developments.
6. Expand the Transit Core General Plan land use designation to include all areas close to existing, entitled and future transit to maximize development opportunities.
7. Adopt an amendment to the Framework Element in tandem with DTLA 2040, which will allow for far greater flexibility to plan hybrid industrial areas as mixed-use neighborhoods with a diversity of housing types.
8. In the absence of an amendment to the Framework Element, for projects that include more conventional multi-family housing, set the commercial space requirement as 10% of building area, which will create fairer rules for all projects than the current requirement that is based on lot size, especially those that don't use a site's full FAR.
9. Remove requirements dictating construction types -- DTLA 2040 is seemingly the first community plan that has attempted to dictate construction types and we believe such a determination is out of scope for zoning codes to mandate and should be left to building and safety codes.
10. Echoing CCEA's recommendations, remove the ban on market rate housing from 5th to 7th Streets and San Pedro Street to Central Avenue, and instead consider ways the area's zoning can be tailored to produce mixed-income developments and socioeconomic integration and inclusion.
11. Allow affordable units to be a different mix than market rate units in the same mixed-income buildings, but still require the same amount of affordable floor area as a percentage of overall residential floor area.
12. Provide very clear, administrative clearance processes that are CEQA-exempt for deviations and relief mechanisms like alternative compliance, variances and adjustments.
13. Whether using the base zoning or the Community Benefits System, projects should not be subject to Site Plan Review or other discretionary review processes if they comply with a site's allowable zoning and are not seeking any additional changes.
14. Continue to explore ways of modifying the Arts District and Historic Core Frontage Districts to strike a balance between fostering contextual design with the potential for creative approaches and innovation -- our members welcome the opportunity to collaborate to further consider how this can be accomplished.
15. Do not zone areas exclusively for industrial uses -- these areas should instead provide more flexible zoning to allow them to gradually convert to other uses, including housing, over the long term.
16. To increase usage of the ARO, apply it to buildings constructed after 1974 on a rolling basis going forward.
17. Remove the 49-room limit on hotels in Chinatown and Little Tokyo as there is no clear rationale for this limit, and it is antithetical to strengthening DTLA's role as a major visitor destination.
18. Allow hotel rooms to include kitchenettes.



19. Remove tenant size limits in Chinatown and Little Tokyo, and use other urban design tools to provide for a small commercial look and feel in targeted areas while working with other City agencies to develop economic development tools to support small business in DTLA.
20. Expand the language regarding public on-site open space to state that it must be “clearly accessible” to the public, rather than required to be on the ground floor.
21. Apply the TDR system more broadly across DTLA and more closely tie the criteria for historic resources to official historic designation.
22. Include a policy goal to coordinate DTLA 2040 land use planning with EIFD planning being led by LA Metro and EWDD and include the creation of a Downtown Development Corporation to plan, manage and implement large-scale public benefit projects and support funding for affordable housing within the plan’s policy objectives.



November 30, 2020

Brittany Arceneaux  
City Planner/DTLA 2040 Project Manager  
Los Angeles City Planning  
200 N. Spring Street, Room 667  
Los Angeles, CA 90012

**RE: LA FASHION DISTRICT'S COMMENTS ON THE REVISED PUBLIC REVIEW DRAFT DTLA 2040 PLAN**

Dear Brittany,

The future of Downtown Los Angeles is exciting! The LA Fashion District Business Improvement District (BID) is a private, non-profit corporation created and maintained by local property owners. We serve the LA Fashion District community—businesses, employees, residents, visitors, and more. Our mission is to help facilitate and provide a **clean, safe, friendly, and prosperous place to work, shop, live and do business**. We serve a 107-block area generally between 7th Street to the north and the Santa Monica 10 Freeway to the south, and from Broadway to the west and Paloma Street to the east.

We reviewed the latest version of the Downtown Community Plan, Zoning Code, and Community Benefits Program (collectively referred to as the *Public Hearing Draft DTLA 2040 Plan*, dated November 2020) and the Draft Environmental Impact Report (dated August 6, 2020). The LA Fashion District appreciates the amount of thoughtful planning, creativity, and focus on positive change that City staff, decision makers, local business and property owners, and the community have given to this planning process over the past six years.

We share the City's vision, as articulated in the draft Plan, to **"...promote a dynamic, healthy, and sustainable Downtown core that is well connected to and supports the City of Los Angeles and the region."** The draft Plan outlines a bold vision for accommodating anticipated growth through 2040 while creating a livable and healthy community for workers, residents, and visitors. The goals and policies described in this Plan focus on continuing Downtown's remarkable renaissance and promoting it as a center of innovation in the public and private realms. The draft Plan also seeks to address many of the challenges facing Downtown and the larger region, such as climate change, housing demand and affordability, and a shifting economy, through strategies that guide thoughtful growth.

We appreciate the City's Planning Department working closely with our District, other Downtown Districts, local business and property owners, and the community to address many of our concerns in the latest draft Plan. This includes easing restrictions on daycares and new schools (e.g., no longer



requiring Conditional Use Permits for these uses within commercial areas), removing above grade parking from Floor Area Ratio (FAR) calculations, and increasing the minimum size of Live/Work units to 750 square feet. These changes provide needed flexibility to ensure property owners and developers can create projects that meet the City's vision for Downtown.

We do, however, have deep concerns regarding several aspects of the policy and zoning approach for the LA Fashion District as currently reflected in the draft Plan. Particularly, the sweeping reductions to base Floor Area Ratios (FARs) for new projects that were made between the August and November 2020 versions of the draft Plan. The approach the City seems to be taking in the current draft Plan is to "restrict" higher density housing projects to only those that provide additional community benefits (which can significantly increase the overall project costs and reduce its feasibility), rather than "promoting" needed housing projects by allowing higher FARs. Given our current housing crisis, ongoing COVID Pandemic, and pending economic downturn, **additional flexibility for business and property owners to provide needed housing is critical** so we can respond to future market shifts and challenges while achieving the City's bold vision for Downtown.

While the LA Fashion District supports most of the revised draft Plan (November 2020), we submit the following **specific concerns and requests for changes to the City for review and consideration**. We strongly feel that these focused changes to the draft Plan are necessary for the City and community to fully realize the vision for the future of our beloved Downtown.

## 1. REMOVE RESTRICTIONS ON NEW HOUSING

The western edge of the Fashion District between Broadway and Santee Street shares similar zoning with the eastern edge of South Park, which is flexible and allows a range of housing types. However, the Fashion District east of Santee Street is largely zoned for hybrid-industrial and industrial-mixed uses which are more restrictive, with the exception of City Market that sits in the middle of the Fashion District and is zoned for an array of mixed residential and commercial uses. In general, the City's proposed zoning approach for the Fashion District is to allow a wide mix of uses in the western portion and gradually increase more restrictive industrial-focused zoning eastward.

Amid our current housing crisis, precluding housing in some areas and limiting housing to Live/Work or PSH units in other areas is **counterproductive and contrary to our common goal of making Downtown the place for housing people at all income levels**. While recent updates to the draft Plan would technically allow more types of housing in the Fashion District, there is a requirement that projects with housing be coupled with a minimum of 1.0 FAR of office or light industrial space, unless they are Live/Work. As there is very little demand for new office or light industrial uses in these areas, and with the uncertainties around these uses resulting from COVID, we believe the code as written will have the effect of limiting development in hybrid industrial areas to Live/Work.

We believe the current approach as outlined in the Plan will result in exclusionary and economically stratified growth since Live/Work units are typically more expensive to build than traditional housing units. This more restrictive approach to housing will likely result in a less integrated or inclusive community. Additionally, as the fashion industry undergoes major changes and as employment shrinks, the future economic vitality of the LA Fashion District neighborhood is dependent on welcoming a variety of new residents.

***Request:*** The LA Fashion District requests the City to consider allowing more flexibility and a greater range of housing types in the Plan. Specifically, we request the City to adopt an amendment to the Framework Element in tandem with DTLA 2040, which will allow for far greater flexibility to plan hybrid industrial areas as mixed-use neighborhoods with a diversity of housing types. In lieu of amending the Framework Element, we believe that there could still be more flexibility for different housing types in Hybrid-Industrial areas. In the absence of an amendment to the Framework Element, we recommend that for projects that include more conventional multi-family housing, set the commercial space requirement as 10 percent of the building area, which will create fairer rules for all projects than the current requirement that is based on lot size, especially those that don't use a site's full FAR.

## 2. INCREASE MINIMUM FLOOR AREA RATIOS

We are very concerned with the recent changes to the DTLA 2040 Plan whereby base Floor Area Ratios (FAR) in the Fashion District have been dramatically reduced. The changes shown in the November 2020 Public Hearing Draft are substantial: from 7.0 and 6.0 to 3.0 -- **a 60 percent and 50 percent base FAR decrease respectively within the Fashion District.** While we understand the intent of these changes is to ideally increase usage of the Community Benefits System, we are very concerned that this is too dramatic of a change that tips the scales of project economics to be economically infeasible. These are walkable, transit-rich areas where we want to promote growth, but the reductions in base FAR create a de facto scenario where the FAR is too low to build a viable project under the base FAR allowances on the one hand while simultaneously placing a large financial onus on projects to obtain bonus FAR via the Community Benefits System.

Because the Level 1 affordable housing FAR bonus is 35 percent of the base FAR, the Level 1 bonus is necessarily reduced as well (for example, a 35 percent bonus on 6.0 base FAR is an additional 2.1 FAR, but is only an additional 0.7 FAR on a 2.0 base FAR). The October 2019 financial feasibility analysis of the Community Benefits System prepared by HR&A Advisors for the City specifically highlights this issue on a large swath of the Fashion District leading into the Historic Core, where most of these FAR changes would apply, "are unlikely to support larger high-rise developments until market performance matures further, and thus are not able to support public benefits to the same degree as Place Types with strong submarkets."

***Request:*** The LA Fashion District requests the City to firmly maintain base Floor Area Ratios (FARs) as proposed in the August 2020 draft DTLA 2040 Plan. A failure to do so would diminish the development feasibility of new affordable and market-rate housing projects and hinder the City's ability to implement the vision as outlined in the DTLA 2040 Plan.



### 3. ALLOW HOTELS IN THE IX2 USE DISTRICT

We feel that new hotels will support economic growth and help create more urban energy in the Fashion District. We are excited to see the City remove the limitation on new hotels and motels in the IX2 Use District. Limiting hotels does not support the economic goals for Downtown or the vision to transform the area into a vibrant, 24/7, active urban environment. Hotels are an important asset for Downtown because they support tourism, increase the local tax base, and promote positive “after hour” activity and energy.

***Request:*** The LA Fashion District requests the City to allow new or expanded hotels within the IX2 Use District without restrictions on the total number of hotel room keys.

### 4. INCREASE BUILDING HEIGHTS

The DTLA 2040 Plan as proposed would impose base and bonus (with use of the Community Benefits Program) maximum building height limits in many parts of the LA Fashion District, including the new DM4 Form District. We have concerns with the proposed building height limits, particularly in areas near transit stations as we are investing hundreds of billions of dollars in building out our transit system and as these are exactly the areas we need our city to grow to become less car-dependent and more affordable and sustainable. It is also critical to demonstrate our commitment to growth in areas near transit as we compete for infrastructure funding from the State and Federal governments.

Our understanding is that height limits were proposed in these areas to preserve their character and historical context. We treasure Downtown’s historic neighborhoods, communities and buildings, and we want to see them continue to play a vital part of its future. Yet, blanket height limits are not an appropriate tool for neighborhood preservation. These districts and buildings should be considered through the appropriate historic preservation and landmarking processes, which is much more targeted and would not needlessly inhibit growth on sites that might not have historic or cultural significance. Additionally, we believe that context-sensitive growth can occur with the use of urban design tools like setbacks and street frontage requirements.

Furthermore, in many cases, the proposed building height limits are not aligned with the economic realities of development and the constraints of relative construction materials. For instance, mixed-use buildings can generally be built with wood frame over a concrete parking and retail podium to a maximum of eight stories under the building code, and buildings made of concrete and steel can be taller but typically need to be a minimum of 20 stories to be financially feasible and justify the additional costs of the more expensive labor and building materials. Some of the proposed base and bonus height limits in areas of Downtown are 12 stories and 15 stories, respectively, and 15 and 18 stories, respectively. With a few exceptions for large sites that can accommodate a lot of building capacity in terms of width, most mixed-use developments will not even be able to build to the base height limits of 12 and 15 stories, and these height limits will act like seven- and eight-story limits in reality.

The draft Plan also creates scenarios where height limits preclude maximizing a site's allowable FAR, like the MLN1 Form District which allows 6.0 FAR but limits buildings to a maximum of five stories. This means that the growth envisioned by the plan may not actually occur and the resulting community benefits will also not be delivered.

***Request:*** *The LA Fashion District requests the City to remove building height maximums within the DM4 Form District and instead utilize FAR, setback, and frontage requirements to govern building height and massing, and that historic communities be considered instead through the established historic preservation processes. This approach will promote context-sensitive growth and density near transit, respect neighborhood character and appropriately preserve historical assets in a way that reflects the economic realities of development.*

## 5. ENSURE COVID PANDEMIC RELATED FLEXIBILITY

The COVID pandemic has dramatically affected local manufacturing businesses, offices, stores, and restaurants. Projects and uses that were previously financially viable have greatly diminished in value. We are hopeful that Downtown's economic prospects will strengthen as restrictions are lifted, successful vaccines are obtained and made widely available, and perceptions of urban life improve. However, it may be some time before circumstances get better, and the draft Plan must be sensitive to this economically vulnerable context if we are to continue to see new growth and community benefits in Downtown. While we do not know where the future will take us when it comes to permanent social distancing, we encourage the City to permit and allow the quick implementation of outdoor shopping (on sidewalks), street closures for outdoor markets and dining, and other temporary spaces within the public realm to help private companies.

***Request:*** *The LA Fashion District requests the City streamline temporary street closures to allow outdoor markets, shopping/retail, and dining spaces. These spaces should be encouraged even if they will have temporary impacts on traffic or transit operations. And these spaces shall be compliant with all Los Angeles County health requirements around social gathering and social distancing.*

## 6. ALLOW MARKET RATE HOUSING IN THE CENTRAL CITY EAST AREA

The current draft Plan prohibits market rate housing in a specific part of Downtown between 5th and 7th Streets and San Pedro Street and Central Avenue. The intent of this provision is likely to preserve existing affordable housing and single room occupancy hotels, but it is unnecessary given covenants, the Residential Hotel Conversion and Demolition Ordinance, and the Wiggins Settlement. This area contains the largest concentration of unsheltered homeless people in the nation and is in an area of extreme poverty and housing need. Banning market rate housing would further concentrate poverty in this area of Downtown and run counter to stated draft Plan goals of inclusive and diverse neighborhoods.

Imposing this provision would only freeze the current conditions and further a failed policy of containment. We believe this policy also directly conflicts with the Federal mandate to Affirmatively Further Fair Housing (AFFH). Affordable housing is an important part of DTLA 2040, and it should be integrated throughout the plan area. We strongly support housing opportunities for all incomes across



Downtown as the primary tool to address the complicated and extensive challenges of homelessness and poverty in our city.

It is important to recognize that the Community Plan, which is a land use and zoning plan, cannot alone address the challenges of this area. Truly meeting the needs of this area requires a much broader effort that involves mental health, workforce development and social services, which will take coordination from multiple departments and organizations, which we support and encourage. As such, we echo the Central City East Association’s “The Voices of Central City East” report (October 16, 2020) and share their concerns and long-term vision for the area.

***Request:*** *The LA Fashion District requests the City to remove the ban on market rate housing from 5th to 7th Streets and San Pedro Street to Central Avenue, and instead urge City Planning to consider ways the area’s zoning can be tailored to produce mixed-income developments and socioeconomic integration and inclusion.*

## **7. ADOPT DEIR ALTERNATIVE #3 TO ADDRESS THE ONGOING HOUSING CRISIS AND SCAG RHNA MANDATES**

As the Southern California Association of Governments (SCAG) finalizes the 6th Cycle Regional Housing Needs Assessment (RHNA), it is clear that the City of Los Angeles will be responsible for delivering an incredible amount of new housing by the order of more than 455,000 units between 2021 to 2029. The magnitude of this housing target cannot be overstated – in the City’s history, only 420,000 units were built at the peak of housing production over the course of 20 years between 1960 to 1980. At the same time, homelessness in the city continues to increase, growing by over 14 percent last year reaching more than 41,000 unhoused people living in the city, 16 percent of whom are in Downtown, which is the largest concentrated street homeless population in the nation. While this housing goal stands out as seemingly astronomical, in reality it reflects a persistent housing and homelessness crisis that has long been one of the major issues facing the city and region. Unfortunately, this issue has historically been left largely unaddressed by solutions of the necessary scale.

The DTLA 2040 Plan notes that SCAG projects that Downtown will make up over 20 percent of the city’s growth over the next two decades, which is a significant share of the City’s RHNA target and means that **at least 12,000 units per year on average will need to be built in Downtown over the next eight years alone**. As the region’s transit and job hub, Downtown must play an outsized role in meeting this ambitious goal, requiring DTLA 2040 to provide substantial capacity for new housing growth at all income levels. Alternative 3 of the DEIR is the superior alternative as it would enable the greatest growth and housing production.

The Draft Environmental Impact Report (DEIR) for this plan was contemplated prior to the COVID-19 pandemic and resulting economic depression. We believe much of the plan as proposed is a great improvement to DTLA’s land use and planning framework and we are appreciative of City Planning’s outreach and engagement. We recognize that DTLA 2040 is an enormous undertaking for City Planning as it will be the first community plan to implement the new code. We appreciate the significant resources dedicated to the plan’s development. We are pleased that DTLA continues to be the City’s laboratory for new ideas. DTLA 2040 must go even farther to promote a bold and exciting future for our city center.

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***Request:*** The LA Fashion District requests the City adopt DEIR Alternative 3 as the preferred option to allow for the greatest development capacity and flexibility for Downtown. Adoption of Alternative 3 allows for the greatest housing and development capacity and flexibility to spur Downtown's recovery and best positions the heart our city for private and public investment.

1, cont.

## 8. MAKE THE COMMUNITY BENEFITS PROGRAM MORE FINANCIALLY FEASIBLE

We are concerned about specific provisions that impact the financial feasibility of utilizing the bonus FAR, particularly for high-rise projects at this immensely economically challenging time for Downtown. The economic fallout from the pandemic presents major issues for building in Downtown, but it is important to note that the Community Benefits System, primarily the affordable housing bonus provisions, poses challenges for the financial feasibility of development even in strong economic conditions. Level 1 of the Community Benefits Program is essentially aligned with the City's Affordable Housing Density Bonus and Tier 1 of the Transit Oriented Communities (TOC) Program in terms of the percentage of affordable housing required by income level (with the exception of options for Deeply Low and Moderate Income housing under the draft Plan). However, the FAR bonus for providing affordable housing is 35 percent, which is at the lowest end of the City's affordable housing incentive programs in alignment with the Density Bonus.

***Request:*** The LA Fashion District requests the City change the Level 1 of the DTLA 2040 Community Benefits Program provide a more substantial FAR increase to support the feasibility of high-rise construction. We also believe that the ability to contribute an in-lieu payment or partner with an affordable housing provider to provide affordable units off-site are good, important features of the Community Benefits System that must be maintained as they offer necessary flexibility.

Thank you for your consideration on these important items. We look forward to further discussions and refinement of the visionary DTLA 2040 Plan.

Rena Masten Leddy  
Executive Director  
[www.fashiondistrict.org](http://www.fashiondistrict.org)

November 23, 2020

Shana M. Bonstin, Deputy Director,  
Community Planning Bureau  
Los Angeles Department of City Planning  
200 North Spring Street  
Los Angeles, California 90012

**RE: Draft Environmental Impact Report (EIR): Downtown Community Plan Update/New Zoning Code for Downtown Community Plan; DLANC Comments as of November 23, 2020**

Dear Ms Bonstin:

At a public meeting on November 23, 2020, the Board of Directors of the Downtown Los Angeles Neighborhood Council ("DLANC") voted to provide the following comments below pursuant to the motion passed on November 16, 2020, by DLANC's Planning & Land Use Committee ("PLUC").

Background: DLANC previously provided a letter to Los Angeles Department of City Planning dated January 29, 2019 including comments to the Draft 2040 Plan. DLANC reviewed the revised Downtown Community Plan and other documents included in the DEIR. This letter includes some comments carried through from the previous letter that have not been addressed as well as additional comments on the revised Community Plan and other documents in the DEIR for your consideration.

**COMMENT 1: Adoption of Downtown Community Plan**

Section 2.2 of the DEIR states that the primary issue to be resolved through the planning and environmental review process for the Proposed Project is whether the City should adopt the updated Downtown Plan and New Zoning Code to replace the existing community plans and code.

DLANC conditionally supports the adoption and implementation of the Downtown Community Plan as revised and included in the DEIR. DLANC support is conditioned on incorporation of the following stipulations and comments below for the plan. DLANC support may include other items of stipulation and additional comments as the Community Plan process progresses and the Final EIR document is modified.

**COMMENT 2: Preferred Alternative**

The DLANC Board supports the adoption of Alternative 3: Increased Development Potential. Alternative 3 would result in the highest level of development in all areas of Downtown Los Angeles to meet all the basic project objectives, which are in line with the DLANC Vision

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Document. Simply put, Alternative 3 is the most in line with the guiding policies of the DLANC Vision Document of all Alternatives.

3, cont.

**COMMENT 3: Existing Regional Parks or Recreation Facilities**

The Draft EIR identifies an impact of Significant and unavoidable. The DLANC Board requests the Downtown Plan designate more land area for Parks and Open Space to accommodate for the anticipated growth proposed in this plan.

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**COMMENT 4:** The DLANC Board supports level 1 of the community benefits program provision for affordable housing in the DTLA 2040 plan, which requires the option for on-site, in-lieu fee, off-site and off-site acquisitions, all located in Downtown LA.

**COMMENT 5:** The DLANC Board rejects the DTLA2040 plan's proposed exclusion of market rate housing and rejects the requirement of 100% affordable housing in any one specific area/land use designation in downtown.

**COMMENT 6:** The DLANC Board rejects any required minimum or average unit size in any area within Downtown.

**COMMENT 7:** The DLANC Board requests traditional residential dwelling units be allowed in all areas in addition to those currently shown as being restricted to live-work only units in the Industrial-Mixed districts.

**COMMENT 8:** The DLANC Board requests a proposal that allows any area within ¼ mile radius of an existing or planned Metro station, including the location at 7th and Alameda, to have the "Transit Core" FAR and land use designation. The historic Broadway corridor south of 3rd Street should be exempt from this request.

**COMMENT 9:** The DLANC Board rejects the inclusion of all Parking Requirements at any location in Downtown.

**COMMENT 10:** The DLANC Board request to reconsider the toy district zoning to remove height restrictions.

**COMMENT 11:** The DLANC Board request to expand the Traditional Core and Transit Core areas east to continue down Maple past 9<sup>th</sup> street down the 10 Freeway to be consistent with the Federal Opportunity zone boundary and for consistency in the neighborhood.

Please provide a digital copy of your responses to these comments and any decisions on any actions taken based on these comments in a letter by mail to [planning@dlanc.com](mailto:planning@dlanc.com). Thank you in advance for your consideration of the comments presented in this Letter.



Very truly yours,



Patricia Berman  
DLANC President

Very truly yours,



Ryan Afari  
DLANC Planning & Land Use Committee Chair

CC: Kevin de Leon (Council District 14) (via email)  
Gil Cedillo (Council District 1) (via email)  
Curren Price (Council District 9) (via email)  
Cecilia Lamas (Central Planning Commission) (via email)

On Tue, Dec 1, 2020 at 5:16 PM Daniel Gehman <[DGehman@danielian.com](mailto:DGehman@danielian.com)> wrote:

Hello Brittany. I am writing to urge the City to pursue Alternative 3 of the DEIR to maximize plan capacity and flexibility. I firmly believe this will be in the best interest of a vibrant dtLA.

Thanks for your consideration.

**Daniel Gehman, AIA LEED AP**  
Principal



60 Corporate Park | Irvine | CA | 92606  
[www.danielian.com](http://www.danielian.com) | office 949.474.6030

*The Danielian team is currently hard at work, ensuring our clients receive the same level of customer care and responsiveness we are known for. While we have transitioned to a remote working environment, we remain available to you via phone, email, and virtual meetings during our normal business hours.*

City of Los Angeles, Department of City Planning  
ATTN: Bryan Eck, City Planner  
Case Numbers:  
CPC2017 432CPU; ENV2017 433EIR  
200 N. Spring Street, Room 667  
Los Angeles, CA 9001

**This is the response of Allan Harris and Cheryl Younger, 108 West 2<sup>nd</sup> [REDACTED], Los Angeles CA 90012, to the request for comments about the preparation of an EIR for the Central City Community Plan and new Zoning Code. The Higgins Building is located at 108 West 2<sup>nd</sup> Street. Built in 1910 as a classic Beaux Arts building, it is a Cultural monument of the City of Los Angeles. The Building consists of 135 residential condominium units and seven commercial units.**

**1. Community Plan.**

**A. We object to the inclusion of the Higgins Building in the Central City Community Plan as part of the Transit Zone, urging that it is properly included in the Traditional Zone. Argument in support of this position is attached in the Letter of Allan Harris to Bryan Eck of the Los Angeles Department of City Planning dated February 20, 2017, attached as Exhibit "A" hereto.**

**B. Creation of a Bradbury, St. Vibiana, St. George Hotel, Higgins Building, City Hall Historic District.**

**We believe that the city should create a Bradbury, St. Vibiana, St. George Hotel, Higgins Building, City Hall Historic District. Argument in support of this proposal is contained in a monograph written by Allan Harris, Chair of the Higgins Loft Neighborhood Impact Committee, attached hereto as Exhibit "B" hereto.**

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**2. Scope of EIR. The following planning concerns should be addressed in the EIR:**

**A. Parking. The recent building of large buildings downtown has reduced the number of accessible and affordable parking facilities for downtown residents. The Department of City Planning should consider the demand for future parking which is available and affordable. The creation of a Municipal Parking Authority should be considered.**

**B. Population size and density. The optimal population and density for a fully built downtown should be considered and achieved. Overbuilding and the Manhattanization of downtown should be avoided. The tipping point of building**

2

and population growth beyond which the quality of life deteriorates should be addressed.

2, cont.

**C. Control of excessively tall buildings.** Downtown is sufficiently built up that each section of the downtown has its own scale and character. Out of scale buildings that destroy the character of individual sections should be avoided.

3

Additionally, the effect of large and tall buildings on air quality, air flow and future climate temperature increase should be considered.

**D. Increased Community control over development.** The profit concerns of developers should not dictate what gets built. Community opinion as to design, size, scale and amenities should be given a voice. Giving greater voting control to Neighborhood Councils as to these matters would help.

**E. Protecting the aesthetics of City Hall.** Recent proposals in the area of City Hall of buildings far in excess of the height of City Hall, 28 stories, are troubling. The City Hall is a wonderful aesthetic feature of Los Angeles. Not only just in many movies, it stands perpetually as a splendid example of our city and its architectural beauty. Restrictions against buildings of the size that would mar its majesty in our skyline and view shed should be prohibited.

4

Respectfully Submitted,

Allan Harris  
Cheryl Younger

Allan Harris is a licensed attorney of the states of New York and New Jersey, a retired New Jersey Municipal Court Judge, and served as attorney to the Paterson New Jersey Zoning Board of Adjustment. He is also chair of the Higgins Loft Neighborhood Impact Committee

Cheryl Younger is an internationally exhibited Art Photographer and an M.A., M.F.A. from the University of Iowa. She has been associated with, inter alia, Columbia University in New York and New York University,

## EXHIBIT "A"

Dear Mr. Eck,

February 20, 2017

It was a pleasure to meet you last Thursday at the Scoping Meeting on the Downtown Plan environmental impact report meeting. With reference to our discussion and my written and oral request the the Higgins Building being placed in the Traditional Core and not the Transit Core, I recall your concerns that there was not "enough teeth going northward from Fourth Street to embrace the Higgins Building" (Forgive me if my paraphrase might be inaccurate).

The heart of the Traditional Core as expressed in the language of this zone by the City Planning Department is that it is a "Rich collection of historically significant buildings." Historically, the Higgins building in my opinion has been erroneously excluded from being in the Historic Core. My review of the buildings included in the Traditional zone if you extend it northward from Fourth Street to 2<sup>nd</sup> Street running from the west side of Broadway to Los Angeles Street encompasses a wealth of historically significant architectural treasures:

1. Our Higgins Building at 2<sup>nd</sup> and Main, a Cultural Monument of Los Angeles, for which we will be applying for registration on on the National Register of Historic Places. This is one of the premier examples of Beaux Art Architecture west of the Mississippi.
2. St. Vibiana across the street built in 1876, a masterpiece of Italianate architecture which is on the National Register.
3. The Bradbury Building at 3<sup>rd</sup> and Broadway, which is on the National Register and certainly one of the most unique old buildings in downtown Los Angeles.
4. The St. George Hotel built in 1903, just east of Main Street on 3<sup>rd</sup>.
5. Grand Central Market, on Broadway near 3<sup>rd</sup>, flourishing since 1917 as a unique market place and downtown tourist attraction.
6. Million Dollar Theater, just North of the Grand Central Market, built in 1917, is the Grand Daddy of opulent downtown theaters.
7. The Douglas Building on Spring just north of 3<sup>rd</sup>, built in 1898, is one of the oldest adaptive reuse buildings in downtown.
8. Biddy Mason Park, at 333 S. Spring Street is an historic pedestrian park chronicling the achievement of the African-American 19<sup>th</sup> Century midwife and Philanthropist, Biddy Mason.
9. The Downtown Independent Theater at 251 S. Main Street, built on the bones of the old Arrow Theater, in 1925, where there has been a theater since that time.

5

10. The 5 story “Pope of Broadway” mural of Anthony Quinn, just restored on the Victor Clothing Building at 240 South Broadway, while painted in 1984, certainly adds coloratura to the area.

In sum, the area I argue should be part of the Traditional core certainly meets the Planning Department’s historically significant criteria for this zone. I would ask that you revisit this request and change your zone classification to include this area.

Thank you,

Allan Harris  
Chair  
Higgins Loft Neighborhood Impact Committee

5, cont.

## EXHIBIT "B"

### City Planners:

A call for a Bradbury, Vibiana, St. George Hotel, Higgins, City Hall Historic District.

Downtown Los Angeles is a precious, fragile area. It has historic jewels which if not cared for properly will be forever lost. If you look at St. Vibiana's Cathedral today, you will see a perfect example of careless planning. The beautiful 1876 Italianate church has been dwarfed and eaten up by an eight story modern "money-strocity" apartment building sandwiched next to it on its Southside.

Across the street, Joe's Auto Park, has served a 30-day wrecking ball notice on the Independent Theater, a performance space with roots back to 1925, The Smell, the Iconic Indie music venue, and the Nueva Jalisco, the first and only Latino Vaquero Gay Bar in the city. What's in store for these historic properties does not require a gaze into a Chrystal ball. With 30 plus story high rise developments on the drawing boards for 4<sup>th</sup> and Hill, and 4<sup>th</sup> and Broadway, you can visualize the next megalopian high rise sweeping away these treasures with the building of another mindless giant.

Just to the North stands the majestic Los Angeles City Hall, immortalized in not only countless movies, but in beautiful continuity to the mesmerized gaze of our community. Stand atop the plaza at the Chandler Opera House and look east to the triumph of Grand Park as it sweeps down the mall culminating in City Hall. The park and mall are examples of planning at its most successful level. Walk south from City Hall and view the Los Angeles Police Administration Building and the Cal-Trans Building, heartening examples of contemporary architecture.

Cross the street, and the Higgins Building, a Los Angeles Cultural Historic Monument, a classic example of Beaux Arts Design constructed in 1910, stands proudly at the corner of 2<sup>nd</sup> and Main.

This is all a wonderful patrimony; but if Joes's Lot building plans between Spring and Main and for most of that area between 2<sup>nd</sup> and 3<sup>rd</sup>, destroys the smaller historic buildings and erects a sterile, high rise behemoth on that large lot, consider the irreparable damage in the context of city aesthetics.

Will there be a giant high rise rival that impairs the view and singular majesty of City Hall. Will the Higgins Building be marginalized as an aesthetic also ran like Vibiana? When the large parking lot is gone, where will commuters looking to access our burgeoning transit system at the Regional Connectors new station at 2<sup>nd</sup> and Spring, park their cars?

Historic Districts preserve the architectural and cultural achievements that make great cities so venerable. Across the globe, sensible city planners have saved their "Olde Townes". From



Tokyo and Shanghai to Boston and Philadelphia, historic districts have received their sacrosanct timeless status.

Therefore, I call upon City Planners to save the area Northward from 3<sup>rd</sup> Street to City Hall, and bordered by Broadway to Los Angeles Streets, creating a Bradbury, Vibiana, St. George Hotel, Higgins Building, City Hall Historic District. Earmark the Joe's Parking Lot by way of eminent domain for a large park with underground parking and you will create a planning triumph that will rival Grand Park. If you have ever stood on the steps of the Philadelphia Museum of Art and looked towards City Hall or trod the Great mall in Washington, you will know the thrill of timeless planning excellence. Los Angeles can achieve the same success.

The purpose of the Historic District is to save existing buildings from destruction through development and to preserve the historic character of the area from any development, high-rise or otherwise, that would be esthetically and culturally deleterious to the unique character of the existing neighborhood.

Let me finish on a personal note for the Higgins Building at 2<sup>nd</sup> and Main where I reside. For some inexplicable reason the Higgins Building never winds up in the Historic Core where it rightfully belongs. In the proposed City Plan the same error is made. It is historically and architecturally part of the historic core and should belong in it. Therefore, Vibiana, The St. George Hotel, and the Higgins building should be moved to the downtown Traditional Core and not the Transit Core.

Sincerely,

Allan M. Harris

108 West 2<sup>nd</sup> Street, [REDACTED]

Los Angeles, CA 90012

[REDACTED]

[REDACTED]

6, cont.

On Mon, Nov 30, 2020 at 3:50 PM Susan Hunter <[REDACTED]> wrote:

Good afternoon,

I wanted to submit the following comments as concern for the proposed Downtown Community Plan.

- 1) The plan fails to acknowledge the population decline in Downtown, compounded with the evacuation of people from the City due to COVID. Census data should be used to confirm the actual population numbers of the community. | 1
- 2) The community wants to preserve RSO housing stock, but the plan is encouraging development and density in the areas that have a large pool of RSO housing stock. This is a conflict.
- 3) The plan fails to call for inclusionary zoning in new developments. We have a legal right to do so under AB 1505.
- 4) The proposed plan doesn't allow for downzoning should the population decline, and fails to look at other alternatives.
- 5) The housing count for the housing built since 2015 isn't correct. The plan fails to account for housing currently under construction. Our housing needs are much less. | 2
- 6) The plan fails to build in for a universal right of return for existing tenants.

Overall, this plan just allows for developer influence and corruption of elected officials, while simultaneously creating a community that bars low-income families and people of color. We will end up with an oversupply of luxury housing stock, which leads to dilapidation. We need a real community plan that is based on real demand and realistic projections of growth. This proposed plan fails to do so. The population projections, real housing needs, and other alternatives are not correct or are missing in this proposed project. It is also intentionally missing diversity, which is the most shameful part and a reflection on a city that criticizes previous racist planning policies such as red lining, but is doing the exact same thing with this proposed plan. | 3

Thank you for your time,  
Susan Hunter

On Fri, Dec 4, 2020 at 4:52 PM Phyllis Ling <[REDACTED]> wrote:

Dear Ms. Arceneaux,

I am writing to express support for the recent changes in the Fall 2020 draft of the DTLA 2040 Community Plan that address community feedback toward the need to strengthen incentives for affordable housing in the Chinatown area. Especially in this part of the city, but also throughout the state, there is a shortage of affordable housing, not a shortage of luxury or market-rate housing. I support reductions in base FAR and height limits to further incentivize the building of affordable housing, especially since parking minimums are being eliminated. Furthermore, affordable housing should not only consist of micro-units, but residential housing that serves families, such as two and three-bedroom units. Including a mix of housing types is an important part of a community plan that is sustainable, equitable, and inclusive.

Regarding the Draft EIR specifically, I ask that more be done to mitigate damage and destruction to the Zanja Madre. The Zanja Madre should be afforded as much protection as paleontological and other archeological artifacts.

I ask that mitigation include a more regulated process for applicants seeking grading permits for both discretionary and non-discretionary projects, especially for properties that are adjacent to parcels where known segments of the Zanja Madre have been found. This may require consulting with a historical society or agency to identify parcels that have a high likelihood of containing segments of the Zanja Madre, such as parcels adjacent to the the Metro Gold Line/LA State Historic Park property, and those adjacent to or in-line with the Blossom Plaza property. In these zones, there should be required archeological monitoring as a part of the grading or excavation permit, rather than a warning letter with recommendations.

As to why these mitigation efforts are needed, I point to an article by Carren Jao of KCET in 2014, titled "Are We Doing All We Can for the Zanja Madre?", regarding the treatment of the Zanja Madre at Blossom Plaza:

<https://www.kcet.org/shows/earth-focus/are-we-doing-all-we-can-for-the-zanja-madre>

In it, photographer and historian William Preston Bowling comments on the treatment of the Zanja Madre at the Blosson Plaza construction site:

*"In Bowling's eyes, the site was far from the traditional image of painstaking archaeological digs often depicted in mainstream media. Instead of tarps covering sensitive portions of the site, brushes to be used for gentle sweeping of artifacts, and clipboards meticulously scribbled with notes on every little thing, Bowling witnessed an almost cavalier treatment of the 100-foot section of the Mother Ditch.*

*Some issues that concern him is the apparent lack of oversight by trained archaeologists, the use of machinery on the site, and the offhand attitude of construction workers of artifacts uncovered. His worries were further fed upon seeing the photos published by the Los Angeles Times, which showed workers (not archeologists) walking on top of the Zanja and old smoked glass bottles littering the ground "like discarded beer cans."*

What are the chances that additional sections of the Zanja Madre will be uncovered in Chinatown in the next 20 years?  
I ask that we do more to plan for this eventuality.

Sincerely,

Phyllis Ling

████████ Resident and Property Owner

████████████████████

On Wed, Dec 2, 2020 at 3:25 PM Laurie Sale <[REDACTED]> wrote:

**SCS BUILDING FUND, LLC**

**LOS ANGELES, CA 90069**

December 2, 2020

Dear Brittany and Craig,

The future of Downtown Los Angeles is exciting!

My family is a third-generation property owner in DTLA at: [REDACTED] for over 80 years. As a longtime stakeholder in our downtown community, we share the City's vision, as articulated in the draft Plan, to **"...promote a dynamic, healthy, and sustainable Downtown core that is well connected to and supports the City of Los Angeles and the region."**

We appreciate the City's Planning Department working closely with our downtown Districts, local business and property owners, and the community to address many of our concerns in the latest 239

draft Plan.

While we support most of the revised draft Plan (November 2020), we want to submit the following **specific concerns and requests for changes to the City for review and consideration:**

- Remove restrictions on new housing
- Increase minimum floor area ratios
- Allow hotels in the IX2 Use District
- Increase building heights
- Ensure COVID pandemic related flexibility
- Allow market rate housing in the Central City East area
- Adopt DEIR Alternative #3 to address the ongoing housing crisis and SCAH RHNA mandates
- Make the Community Benefits Program more financially feasible

1

Each of these items is further explained and expanded upon in the LA Fashion District's Response Letter for you to reference.

Thank you for your consideration on these important items. We look forward to further refinements of the visionary DTLA 2040 Plan.

Respectfully,

*Laurie Sale*

SCS BUILDING FUND, LLC

\*\*\*\*\*

**LAURIE SALE**

[REDACTED]

"When you see something that is not right, not fair, not just, you have to speak up.

You have to say something; you have to do something." John Lewis

On Fri, Dec 4, 2020 at 11:44 AM Marks,Alexander S <[REDACTED]> wrote:

Hi Ms. Arceneaux-

The Metropolitan Water District of Southern California (Metropolitan) reviewed the attached notice of availability of an environmental impact report for the city of Los Angeles' proposed Downtown Community Plan Update/New Zoning Code for Downtown Community Plan project.

Metropolitan owns real property within the Central City North Community Plan portion of the Downtown Community Plan area located at Union Station and on North Figueroa Terrace.

We have no comments on the project at this time; however, please keep us on the notification list of the project's future milestones, including release of the final environmental impact report.

Thank you,

Alex Marks

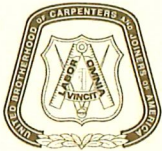
Alex Marks, AICP

Environmental Specialist

The Metropolitan Water District

(213) 217-7629





# SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

*Representing Carpenters in Southern California, Nevada, Arizona, Utah, New Mexico, and Colorado*

**Pete Rodriguez**  
President/COO

**Dan Langford**  
Executive Secretary-Treasurer/CEO

**Frank Hawk**  
Vice President/COO

November 30, 2020

Brittany Arceneaux, City Planner  
City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

Via email: [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

Dear Ms. Arceneaux:

On behalf of the Southwest Regional Council of Carpenters, representing **57,000 families, approximately 15,000 that reside in the City of LA**, I submit the following for your consideration for inclusion in the DTLA 2040 Plan.

As you consider this new Plan, it is our belief that our region, state and country have reached a societal and developmental tipping point that will require a bold, collaborative policy approach. We also believe that Los Angeles has the talent, resources and political will to lead the country in taking on this challenge. Central to that effort will be your economic development strategy planning that determines not just the structures in our lives, but to an important degree, how we live in those communities. We offer a comprehensive framework for consideration of the DTLA Plan, aiming to help foster intergenerational wealth and rebuild the middle class of Los Angeles that reflects the aspirations of the key leaders of our state and City

*"COVID-19 has laid bare the deep inequities found in the heart of our economies, societies, and laws, and mayors understand that returning to normal simply will not suffice — we need to build healthier, more resilient, and more inclusive cities across the globe... This report reveals what we have known from the outset of the pandemic: that only a green and just recovery can help lift us out of this crisis, protect our planet, and lay the foundation for a more sustainable, equitable, and prosperous future,"* **Eric Garcetti, LA Mayor and Chair of the International C40 Global Mayors group introducing new research from their Covid19 Recovery Task Force.**

*"We need to create a new framework for the City to build community wealth in order for families and children to thrive. Implementation of this framework provides the City of Los Angeles the opportunity to elevate community development values, goals and programs. This is the moment to amplify the City's commitment to addressing poverty and align departmental oversight of anti-poverty investments to respond to the broad public*

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■ Nevada - 971 1977 ■ New Mexico - 1319 ■ Utah - 801





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Vice President/COO

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*demand for bold change... this new framework directs investments to create systems-change and a thoughtful approach in how the City supports low-income working households."* **City Council President Nury Martinez, introducing a motion to create a new Department for Families, Children and Community Investment.**

*"Building a workforce development strategy to support a skilled and trained housing workforce pipeline with high-road wage rates, and promoting innovative alternative construction methods"* **Governor Gavin Newsom's 2020 Budget proposal addressing the California Housing Crisis.**

Severe economic inequality, societal disruption reaching tragic proportion, pandemic challenges, and environmental threats approaching an existential level, require a new interdisciplinary approach to reimagining and rebuilding our city to face these challenges.

The key to addressing our multiple crises (housing/transportation/local small business development, education/job training, career building job quality/family-supporting wages and benefits, quality green construction/innovation) will be recognizing the interconnectedness of these challenges and aligning economic development to achieve broad community wealth for all Angelenos. But maximizing shared prosperity for the City's working families will require specific and intentional labor policies that should be addressed in the City's planning documents.

The approach of city planning/economic development must move beyond addressing a series of discrete challenges. Nor can we expect the private sector to provide what is needed for a healthy community simply by providing jobs.

Development, particularly affordable housing with the goal of ownership, must be viewed through a much larger social equity prism. Ideally, family supporting jobs (careers) create increased demand serviced by locally owned small businesses. *"Strategically located street corners and commercial corridors can concentrate locally owned small businesses, startup companies, health clinics, community amenities, and housing within walking distance of each other and near public transit."* **Accelerator for America, Towards a New System of Community Wealth.**

Development of these dense ecosystems of locally owned small businesses, properties, and residences, mixed-income, mixed purpose and mixed-use, will be a vital component to revitalize the City's urban core. It will create *"a community in which residents can both live and work, and have access to the retail and services needed on a daily basis... encouraging both economic opportunity and economic equity... and provides the foundation to support healthier communities through a strategy directs growth in a sustainable manner."* **Downtown Business Plan, Guiding Principles.**

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**Frank Hawk**  
Vice President/COO

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But that strategy must be given the mandate of public policy. *"Deliberate policy interventions are necessary in order to advance job quality and social equity"* **CA Workforce Development Board, A Jobs and Climate Action Plan for 2030.**

The City can play a key role in creating, building and sustaining the middle class, including raising those trapped below the poverty line into a sustainable, productive standard of living that in turn closes the wealth gap, stabilizes society and assures that Los Angeles thrives for all residents in the years ahead.

In competitive solicitations and/or when incentives are being utilized, the City should explicitly incorporate language requiring family-supporting wages, high job quality and job access to community members rather than accepting low-bids founded on low wages. Specifically:

- The construction workforce should receive; full family health plans, pension and retirement plans, vacation/holiday pay and paid sick leave and meet skilled and trained workforce standards through certified apprenticeship.
- High quality responsible bidder standards should be established to ensure construction contractors at every level comply with labor law and have no history of fraudulent or grossly negligent business practices. To ensure accountability General contractors should be required to self-perform a minimum of 5% of all construction craft work for which they are responsible.

The City should partner with the LA School District, the Community College system and craft unions to prepare a local workforce to reach journey-level skill standards so all City construction projects provide a career pathway to family-sustaining jobs needed to rebuild a healthy blue-collar workforce in the City. Building and sustaining a career path to a high-road wage workforce that is skilled and well trained should be considered for what it is - an investment expanding consumer spending and tax revenue base essential for a thriving city, rather than a cost.

The City should partner with public agencies and stakeholders to integrate transportation, housing, environmental, small locally owned business development and family-wage workforce development policy to maximize progress on all fronts. Incentives should reflect that broad focus. All built by responsible developers and contractors using skilled, well-paid workers, trained and hired locally.

We recognize that this is a complex undertaking and appreciate that you are aware of and have been grappling with these issues. But we also believe that we are in desperate need of a new, New Deal that will afford untold thousands of young Angelenos, in our case construction workers, the opportunity to earn a family-supporting wage and build their careers, their families and their community in the City of Angels.

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Executive Secretary-Treasurer/CEO

**Frank Hawk**  
Vice President/COO

---

**We stand ready to work with you, your staff and the City of Los Angeles to build a more equitable and prosperous future.**

Sincerely,

Dan Langford  
Executive Secretary Treasurer  
Southwest Regional Council of Carpenters

CC: Councilmember Gil Cedillo, Council District 1  
Councilmember Kevin de Leon, Council District 14  
Councilmember Curren Price, Council District 9  
Deputy Mayor William Chun, Office of Mayor Eric Garcetti

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Letter 23

On Thu, Oct 15, 2020 at 12:11 PM Doug Smith <[REDACTED]> wrote:

Hi Brittany,

On behalf of CCU, please find the attached letter with feedback and recommendations regarding the creation of a Community Benefits Fund for the DTLA Community Plan. Thanks again to the entire team for the great summary you provided in September. We hope these recommendations can help inform the continued development of the program. Once you've had a chance to review, please let us know if we can clarify anything or provide any additional information. We will also be following up soon with additional feedback on the Summer 2020 draft, including the use definitions we discussed in September.

Thanks again for all your work on this.

Best,

**Doug Smith** (he, him, his)

Supervising Senior Staff Attorney | Community Development Project

**Public Counsel**

610 South Ardmore Avenue | Los Angeles, CA 90005



October 15, 2020

Brittany Arceneaux  
Los Angeles City Planning  
200 N. Spring St., Room 667  
Los Angeles, CA 90012

**RE: CCU feedback on establishing a Community Benefits Fund in the DTLA  
Community Plan Update**

Dear Ms. Arceneaux,

We are pleased to offer comments and recommendations regarding the Department's proposal to eliminate the TFAR program and replace it with a Community Benefits Fund in the Downtown Community Plan Update (Draft Community Plan Program P21). Thank you for summarizing the proposal during our meeting on September 2, 2020, and for your invitation to follow up with additional feedback. We offer these recommendations on the Community Benefits Fund as part of a broader set of feedback we will be providing on the current Draft Plan, with additional analysis and recommendations forthcoming.

**1. The Downtown Community Plan should eliminate the existing TFAR program and replace it with a well-crafted Community Benefits Program.**

We support the recommendation to eliminate the TFAR program. In its several decades of existence, TFAR failed to meet the needs of, and in many cases harmed, low-income downtown residents. The program significantly undervalued development rights, failed to provide much-needed affordable housing, and was a confusing and overly-politicized morass of complicated calculations, discretion and unaccountable decision-making.

While the downtown TFAR program is a failure, the underlying planning concepts of value capture and transfer of development rights still hold great potential to improve the lives of downtown residents, if done right. We would support a program that allows projects in certain areas to acquire additional development rights by contributing to a fund that supports significant benefits identified by low-income communities, is transparently managed, and is subject to meaningful community oversight.

**2. The Community Benefits Fund should prevent displacement and require new on-site affordable housing for participating residential projects and targeted economic justice programs for participating non-residential projects.**

The Community Benefits Fund (the "Fund") should be structured to first require that residential projects include a baseline of deeply affordable on-site units (at rates that meet or exceed TOC standards, higher than currently proposed in the Draft Plan) in order to be eligible for additional FAR by contributing to the Fund. Stated another way, the Fund must be an option *in addition* to providing on-site affordable housing, not a de facto in lieu fee.

Non-residential projects, in contrast, should be required to first provide certain economic justice benefits on-site in order to be eligible for additional FAR by contributing to the Fund. We recommend the following economic justice benefits, as informed by our work with Chinatown, Little Tokyo, and Skid Row:

- Publicly Accessible Open Space, defined as “public plazas, pocket parks, passive and active recreation areas that are privately constructed and maintained; do not include hostile architecture; are accessible for use by the general public at hours comparable to those of City parks and facilities as indicated by visible signage at all entry points; and include all of the following: adequate shade, free seating, free phone charging, free electric outlets, free internet access and safe drinking water.”
- Dedicated space for Reduced Rent Community-Serving Small Business, defined as “a privately-owned corporation, cooperative, non-profit, social enterprise or other entity that has a long-term lease guaranteeing below market rate rent and serves the neighborhood in which it is located by employing local residents or providing culturally appropriate and/or needed goods or services for local low-income residents, and meets at least three of the following four standards: (a) has no more than 25 employees/shareholders; (b) is not franchised or affiliated with a national chain; (c) pays all employees a living wage; (d) has been operating in the Community Plan Area for at least 15 years.”
- Sidewalk Vendor Commissary, defined as “a Commissary that is approved by the Los Angeles County Department of Public Health to accommodate all operations necessary to service mobile food facilities and is made available exclusively to low-income Sidewalk Vendors.”
- Resiliency Centers, defined as “an area or building designed for free public use as temporary shelters or relief centers, during future disasters and climate events, including, but not limited to, exceptional heat and cold, heavy rainfalls, earthquakes, and unhealthy air quality, which are easily accessible to houseless persons, youth, seniors, people with disabilities, and other residents at-risk during emergency and climate events. Resiliency centers should include free internet access, outlets for emergency cell phone and computer batteries; free and adequate seating, space to provide disaster relief services and distribute emergency supplies, bathroom facilities, clean potable water, and have a dedicated space that can operate independently from the main electrical system of the larger complex. The independent system must have an onsite power system capable of reliably sustaining operations, defined as emergency heating and cooling capability, refrigeration of temperature sensitive medicines, and emergency lighting, during an extended outage. Resiliency centers are not replacements for emergency shelters.



**3. The Community Benefits Fund should require a meaningful contribution from participating projects, commensurate with the value of the alternative “Level 2” public benefit options in the CPIO.**

If the Fund allows developers to access incentives that would otherwise be accessed through on-site affordable housing, the fee amount should be calculated to cover the cost of building the same number of affordable housing units elsewhere in the Community Plan Area. It is important that the fee not be set so low that this program undermines the other community benefit options included in the Level 2 Public Benefits Incentive program. Consider setting a fee using a methodology similar to the Measure JJJ In-Lieu Fee Schedule to ensure the fee amount is high enough to build the same number of affordable units that a developer would otherwise have provided on-site.

**4. The Community Benefits Fund should be allocated to a targeted list of housing and economic justice programs.**

The Fund should be completely dedicated to providing community benefits in underserved neighborhoods in the Downtown Community Plan Area. The Fund presents an opportunity to resource and implement many of the goals, policies, and programs described in the Draft Plan text. With a robust Community Benefits Fund, the DTLA Community Plan would move beyond language of equitable values into action by actually prioritizing and funding programs that serve the communities historically harmed by land use and planning. We recommend the Fund be structured to allocate dollars specifically for:

- Land acquisition by Community Land Trusts, for the purposes of establishing permanent, community controlled affordable housing.
- Seeding an “opportunity to purchase” program to enable organized tenant groups and/or community based organizations to acquire buildings in default or facing expiring affordability covenants.
- New 100% affordable housing and permanent supportive housing projects.
- Grants for low-income micro-entrepreneurs working in the Downtown Community Plan Area.
- Rent subsidies to provide below-market rent to Community-Serving Small Businesses, prioritizing businesses owned by lower-income or moderate-income persons.
- Piloting a Legacy Business Program to explore ways to ensure the longevity of community-serving institutions which have served their neighborhood for 15 or more years.
- Design and procurement of sidewalk vending carts that comply with relevant food safety regulations for donation to sidewalk vendors working in the Downtown Community Plan Area.
- Amenities needed by houseless residents, such as no-fee ATMs, free high-quality wireless internet, drinking fountains, shade structures, free phone charging stations,

- public restrooms, and other amenities identified in consultation with houseless residents.
- Emergency cash assistance for low-income residential and commercial tenants at risk of displacement.
  - Universal Basic Income pilot program for low-income Downtown Community Plan Area residents.

**5. The Community Benefits Fund accounting and disbursement should be transparent and subject to community oversight.**

The Fund should also include the creation of an oversight commission comprising downtown residents affected by the affordable housing and eviction crisis, including at least 50% current or former houseless residents, with representatives from multiple downtown neighborhoods including Skid Row, Chinatown, and Little Tokyo. This commission should receive an appropriate stipend for service, and be properly trained and empowered to adopt guidelines for Fund applications and disbursement, review and approve applications, and receive periodic progress reports from city staff on implementation, enforcement, and spending of program revenue. The commission should also be empowered and appropriately staffed to produce and present an annual report to the City Council with an assessment of the program's impact on advancing housing and economic justice and recommendations for improvements.

\*\*\*

We appreciate your consideration of these recommendations and look forward to continued conversations and collaboration to ensure an equitable and inclusive Downtown Community Plan.

Sincerely,

Central City United<sup>1</sup>

cc: Shana Bonstin  
Craig Weber  
Clare Kelley  
Valerie Watson  
Councilmember Gil Cedillo  
Councilmember Kevin de León  
Councilmember Curren Price

---

<sup>1</sup> The Central City United coalition is led by the Southeast Asian Community Alliance (SEACA), Little Tokyo Service Center (LTSC) and the Los Angeles Community Action Network (LA CAN), as key stakeholders in the Chinatown, Little Tokyo and Skid Row neighborhoods of Downtown, along with Public Counsel.



## SOUTH PARK

THE PLACE TO BE

Letter 24

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December 2, 2020

Vince Bertoni

Planning Director

City of Los Angeles Department of City Planning

200 N Spring St

Los Angeles, CA 90012

**Re: DTLA 2040**

Dear Mr. Bertoni,

The South Park neighborhood consists of 52-blocks in the southwest corner of Downtown Los Angeles and includes significant real estate and community anchors such as the Staples Center, L.A. LIVE, Los Angeles Convention Center and the California Hospital Medical Center. Not only does the neighborhood play host to millions of visitors, convention- and event-goers; it is also home to more than 12,000 Angelenos, making it the residential hub within the broader downtown community, as well as the fastest-growing residential population in the City of Los Angeles. The neighborhood has seen the majority of the ground-up development in DTLA over the past 15 years, and most of those projects are residential buildings. Currently, there are nine projects under construction (six residential buildings totaling 2,352 units and three hotels totaling 475 keys). In the pipeline, there are 40 projects: 23 residential buildings totaling 8,486 units; 15 hotels totaling 6,886 keys; and one office building bringing in an additional 80,000 sf. Clearly the growth we've seen since the STAPLES Center put South Park on the map in 1999 shows no indication of slowing down.

Established in 2005, the South Park Business Improvement District (SPBID) is a non-profit organization providing maintenance, security, community-building, and economic development programs for residents, property owners, visitors and businesses in the area. Our mission is to maintain a clean, safe and vibrant neighborhood for all. In addition to programming, the BID achieves these goals by consistently taking a holistic view of the neighborhood – *What do residents need by way of retail? Can workers walk safely from train stations to their place of employment?* – as well as understanding how the neighborhood fits into the broader context of downtown. Our diverse board of directors, made up of stakeholders with various degrees of financial and personal investment in the neighborhood, understands the importance of a well-crafted and forward-thinking Community Plan. We appreciate the communication throughout the process thus far, as well as this opportunity to provide comments on the latest draft.

We are pleased to see the efforts to create a more transparent and direct implementation of community benefits as a result of new development in the downtown area. The program contemplates an incentive system that would promote



on- and off-site public benefits like affordable housing, open space, and community facilities. This will likely improve the predictability and localization of benefits delivered to the neighborhood, two factors that are sorely lacking in DTLA's current Community Plan. Specifically as it relates to South Park, we are pleased to see that baseline FAR has been increased throughout the district. We firmly support the elimination of parking requirements and mixed-use zoning, as both of these conditions foster a more pedestrian-friendly environment.

There are several aspects of the plan that we feel should be reconsidered:

- **Partnership in Directing Community Benefits:** The degree to which Business Improvements Districts engage with developers within their districts varies from organization to organization, and largely depends on the environment as it relates to the potential for new development to occur. Some BIDs, including the South Park BID, have formalized an internal process for reviewing and offering support of new development projects. As direct service providers and liaisons between stakeholders and the City, we feel strongly that there should be a mechanism allowing those Business Improvement Districts who have the capacity and expertise to help direct community benefits, in partnership with the Council Office and other community organizations.
- **Building Height:** The minimum building height requirement is an unnecessary hurdle that could hurt the potential of projects like schools (which tend to be ~3 stories).
- **Consistency of Growth:** While we support the overall increase to FAR, we see no reason not to match the by-right FAR south of Pico Blvd to the rest of the district. As of today, most of the new development that we've seen has occurred north of Pico Blvd, creating a stark contrast in the accessibility and equitability of the different areas of our neighborhood. This seems to be the antithesis of the overall goals of the updated plan.
- **Level 1 Projects:** We recommend a more substantial FAR bonus for Level 1 projects that attempt to increase inventory of affordable housing. Specifically, we recommend additional FAR greater than 35% for those projects.
- **Overall the plan thoughtfully knits downtown together into a single, cohesive neighborhood, while also recognizing the uniqueness of each individual area.** Given the growth spurt in the residential population in the broader downtown area - and the projections that it will continue - downtown needs to invest in amenities like schools and daycares. Additionally, we should look to improve the areas around the existing amenities. Where there are schools, the plan should be amended to allow for the transformation of the surrounding neighborhoods from industrial to mixed-use. To that end, we lend our support to the report entitled *The Voice of Central City East* furnished by our counterparts in the Industrial District BID. The report is included as an attachment to this letter.
- We'd also like to recognize that this is an important opportunity to coordinate with the efforts being undertaken by the Economic & Workforce Development Department to research the feasibility and ultimately establish an Enhanced Infrastructure Financing District. We urge the Planning Department to formalize the coordination with EWDD to identify potential projects to be funded through the EIFD.



Finally, we'd like to commend the work of the Planning Department in creating and implementing a thoughtful and efficient way of engaging the community throughout this process. The importance of this document cannot be overstated: it will guide the future growth of downtown for the next two decades, and potentially beyond. We must ensure that the stakeholders, both current and potential, are considered, and that our community is positioned to lean into opportunity, equipped with a clear and unified vision of tomorrow.

Should you require any further clarification about the elements illuminated above, please reach out to the BID's Executive Director, Ellen Riotto, at [REDACTED] or [REDACTED]

Sincerely,

Ellen Riotto



# THE VOICES OF CENTRAL CITY EAST

## *IDEAS & IDEALS FOR OUR NEIGHBORHOOD*

A response to the Los Angeles Department of City Planning's DTLA 2040 draft plans by the Central City East Association – informed by conversations with non-profit organizations and service providers in Central City East.



**OCTOBER 16, 2020**





— CCEA Boundary  
Image Source: Google Earth.



# ACKNOWLEDGMENTS



The Central City East Association (CCEA) is a 501(c)(6) not-for-profit business corporation. It is the principal advocate for property owners, businesses, service providers, employees, and residents on 46 blocks of Downtown Los Angeles, spanning the area from San Pedro Street to Alameda Street, and 3rd Street to 8th Street/Olympic Blvd. Since 1998, CCEA has also administered the Downtown Industrial Business Improvement District.

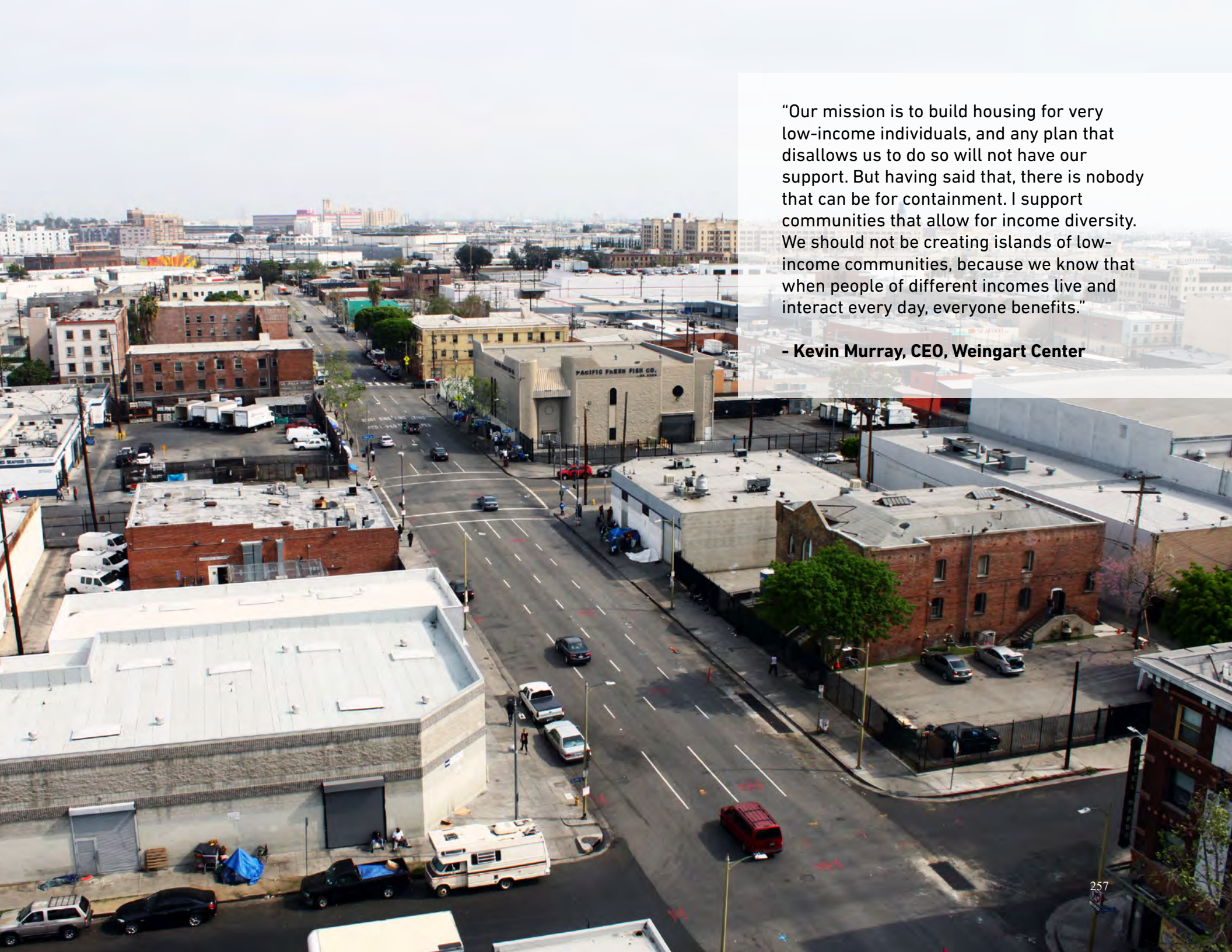
The Central City East Association thanks the following stakeholders for their participation and input.



All photographs and graphics were provided by CCEA or Dudek unless otherwise noted.

*For more information, contact:*

**Estela Lopez**, Executive Director, Central City East Association  
725 Crocker Street, Los Angeles, CA 90021  
[elopez@centralcityeast.org](mailto:elopez@centralcityeast.org)

An aerial photograph of a city street intersection. The street is wide with multiple lanes and white lane markings. Several vehicles are visible, including a white van, a red van, and a black car. The surrounding area is filled with various buildings, including a large white building in the foreground, a brick building on the right, and a building with a sign that reads "PACIFIC FRESH FISH CO." in the center. The background shows a dense urban landscape with many more buildings under a clear sky.

“Our mission is to build housing for very low-income individuals, and any plan that disallows us to do so will not have our support. But having said that, there is nobody that can be for containment. I support communities that allow for income diversity. We should not be creating islands of low-income communities, because we know that when people of different incomes live and interact every day, everyone benefits.”

**- Kevin Murray, CEO, Weingart Center**



# EXECUTIVE SUMMARY

The Central City East Association (CCEA) represents the stakeholders of a 46-block industrial district in the heart of Downtown Los Angeles. Since 2015, CCEA has engaged the Los Angeles Department of City Planning in providing input to the ongoing DTLA 2040 Community Plan Update. Via this document CCEA is responding to the latest DTLA 2040 draft plan circulated in August 2020.

The ideas and principles included here have been informed by a coalition of nine non-profit institutions operating in Central City East. Their perspective, we believe, will provide you guidance in planning for the future of our neighborhood. However, our input is not limited to Central City East nor so to DTLA. The planning challenges that intersect here are a manifestation of citywide policy. We are therefore deliberately weighing in on citywide issues – specifically the City’s uneven housing policy, which has subjected neighborhoods like ours to a host of planning oddities and follies.

We want to stress that DTLA 2040’s housing policy toward Central City East ranks as our highest priority. The draft plan’s current approach to the 15 blocks that make up the heart of our neighborhood (between San Pedro and Central, and between 5th and 7th) allows future residential development but would limit future residents based on income.

While the intention is to expand housing affordability – a position we wholeheartedly

support, the outcome is essentially segregation by income and a continuation of the City’s failed policy of Containment. It is our consensus opinion that Containment must be actively reversed. The current draft plan reinforces it.

Our overarching goal for Central City East is that it retain and strengthen its industrial-residential identity. DTLA 2040 should not preclude future industrial and commercial uses and should allow for housing of all types and all incomes. The latter is important in setting us on a path away from intentional, permanent poverty. Given the nature of our affordable housing stock we know that the threat of displacement does not hover over our residents. Additionally, we are suggesting that the plan anticipate transit along Alameda Street and introduce transit-supportive uses and densities within the 5-minute walk of station locations.

We support many suggested elements of the draft plan. Specifically, we are in favor of the Downtown-wide expansion of housing, the elimination of parking minimums, and the formalization of traditionally industrial districts as complete neighborhoods.

We thank you for the opportunity to provide input and encourage you to pursue policies that actively reverse past actions and help us become a complete neighborhood.

“Skid Row Housing Trust has been dedicating housing solutions for 30 years and is committed for the next 30. Because of this experience, we know how important it is to pursue balanced communities of all income levels. This approach is critical in Skid Row and across all of Los Angeles. Holistically and together, we have an opportunity to do things the right way, to improve living standards in our community while being an example for those like ours across the nation moving forward.”

**- Lee Raagas, CEO, Skid Row Housing Trust**





# 2

## PARTNERING FOR A BETTER FUTURE

Since 1985, the Central City East Association (CCEA) has represented and served the businesses, residents, workers, property owners, and service providers of a 46-block industrial district in the heart of Downtown Los Angeles. Our neighborhood is adjacent to and overlaps Skid Row, known to the rest of the city and the world as “the nation’s largest cluster of homelessness”.

Our identity, to us, is different. We live and work here. Some members of CCEA produce things, sell goods, and store merchandise. Others provide health and educational services. Yet others endeavor every day to bring our unsheltered neighbors off the street and make our city a better, more compassionate version of itself. We know that no other neighborhood in this city is expected to play the role that has been assigned to ours.

But we do not shirk our role. We treasure our service providers. They are our community’s anchors and make us who we are. It has been this way for a century and will assuredly be so for another. However, we do worry about the uneven expectations the City places on its neighborhoods citywide. Some, like ours, play an outsized role in accommodating and supporting our impoverished and unsheltered community members. As you are

well aware, most do not. We have ideas and we would like you to hear what we have to say.

City planning is an atypical policy arena for us to enter. But we know that we are all occupants of our physical environment. We are neighbors, workers, and residents. Our lived reality and understanding of our neighborhood shapes our work. How our neighborhood evolves and changes in the coming decades will influence our members’ missions and their ability to carry it out.

Via this document we are providing a vetted and considered set of suggestions for the future of our neighborhood and we thank you for the opportunity to do so. We are specifically responding to the Department of City Planning’s DTLA 2040 draft plan circulated in August 2020 (although some maps that we refer to were released in October 2019).

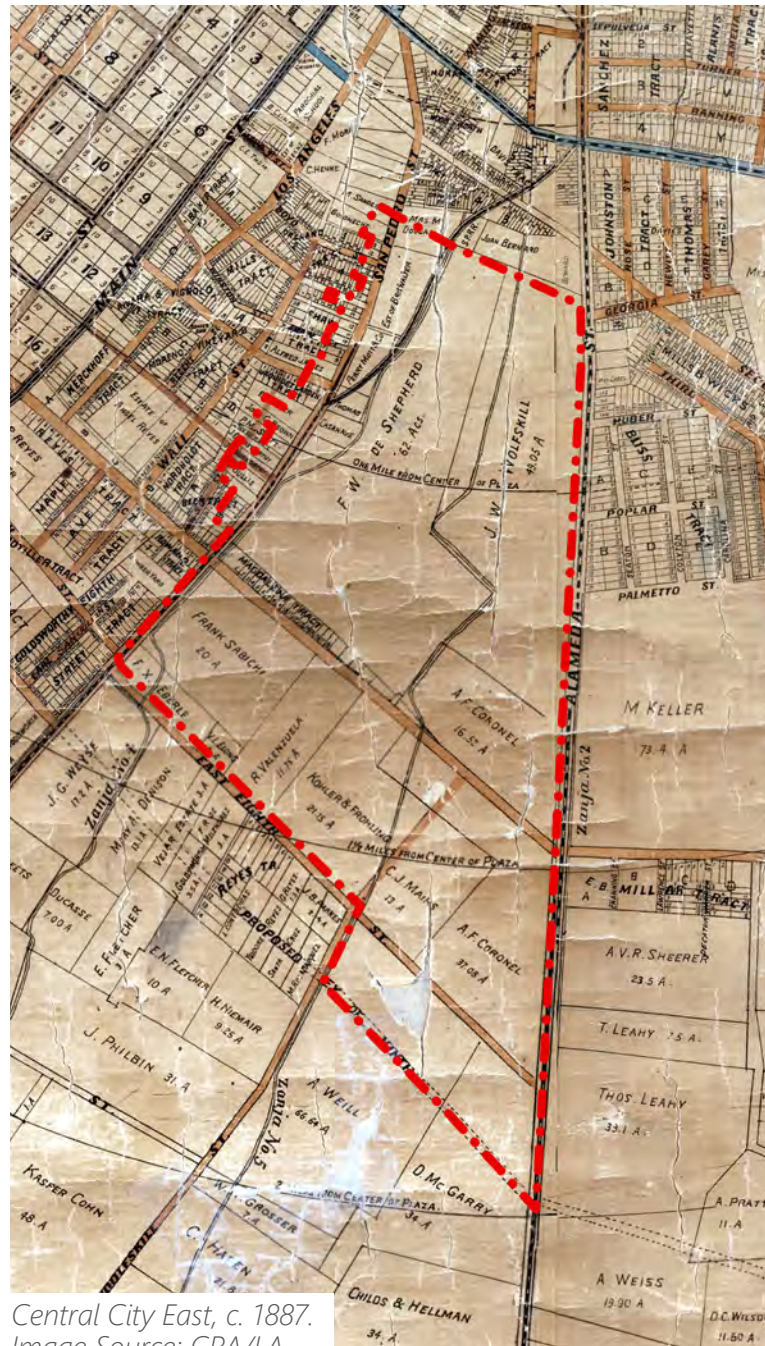
Our input is not limited to the geographic extents of Central City East (CCE) nor so to that of DTLA. The planning challenges that intersect in our district are a manifestation of citywide policy. We are therefore deliberately weighing in on regional and citywide issues.

The stakeholders who have contributed their voices to this document represent a coalition of long-standing service providers and non-profit institutions. For decades, this coalition has spearheaded the region's efforts to support our unsheltered community members. Their collective experience and knowledge, we hope, will provide you a thoughtful perspective in how you plan activities and uses in Central City East and how you define our neighborhood's role and identity.

We support your efforts and are hopeful that DTLA 2040 charts a new path toward a more equitable, compassionate, and livable vision for our city.

## How did we get here?

Skid Row and Central City East of today are not an accidental occurrence or happenstance assemblage of activities. The district can trace twin threads to its origin story. First, it is a direct result of its location. It lay adjacent to the now-demolished Central Station, Los Angeles' port of arrival for thousands of transcontinental immigrants arriving by rail. Many were impoverished and down on their luck and made use of the scores of cheap hotels that cropped up to serve them. Some of these hotels still survive and now serve as the City's most stable and protected affordable housing stock. Second, in the 1970s, the city instituted a policy of Containment that emerged from an unlikely coalition of Downtown boosters, citywide NIMBYs, and affordable housing advocates. This policy sought to contain homeless services and homeless Angelenos in the Skid Row area to shield the rest of Downtown and the city from "the horror" of



Central City East, c. 1887.  
Image Source: CRA/LA.



encountering their unsheltered neighbors on the streets.

Containment has done more to shape our district and its regional identity than any other policy. It is also, we believe, the single biggest planning folly of the City of Los Angeles. We explain and expand why in this document.

## Central City East: A Compressed History

### *Pre-1900*

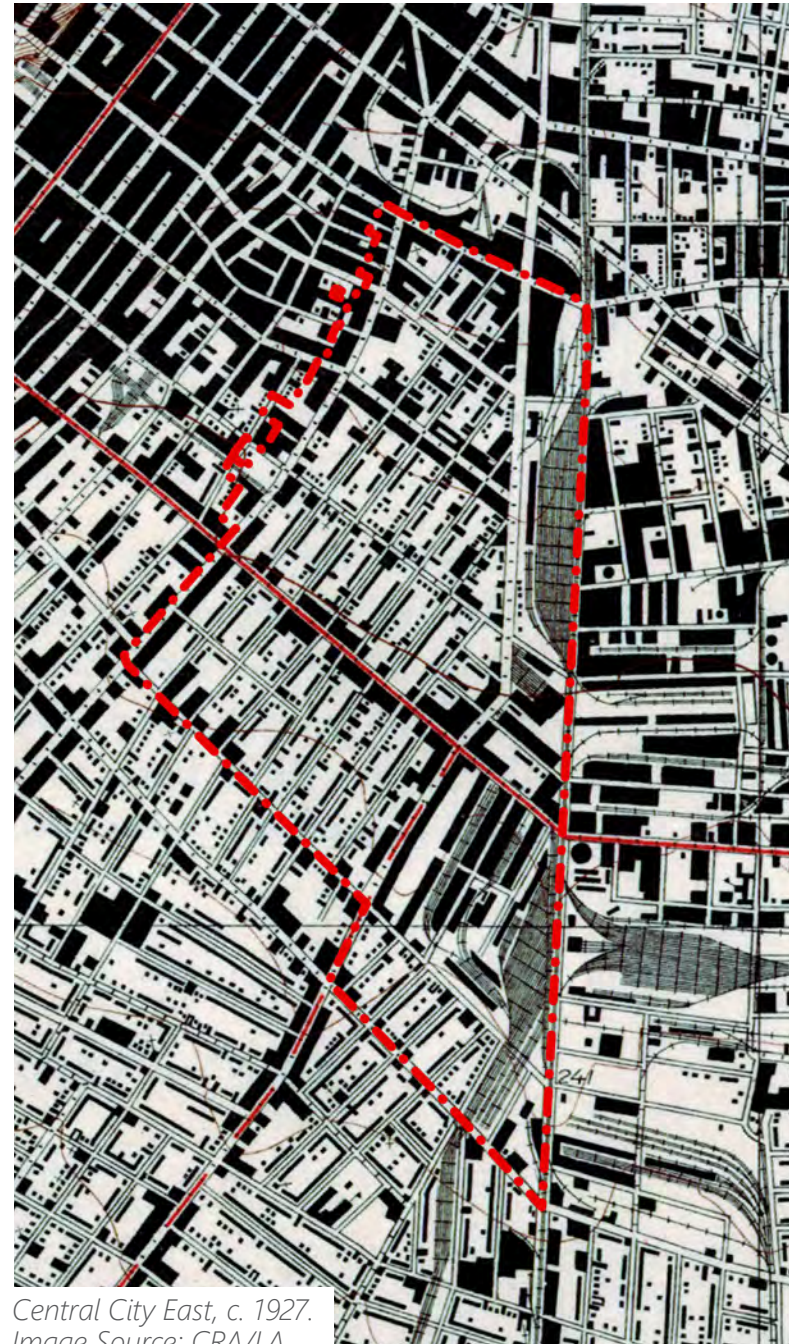
Prior to the 20th century, the areas east of San Pedro Avenue – the future location of our neighborhood – were largely undeveloped, consisting of agricultural fields, vineyards, and orchards.<sup>1</sup>

### *1914*

The opening of Southern Pacific Railroad's Central Station in 1914 was by far the most significant milestone in our neighborhood's growth<sup>2</sup>. Located at 5th and Central, the station became the main port of arrival for thousands of transcontinental immigrants arriving by rail. To serve them, our neighborhood provided hotels, flophouses, brothels, saloons, missions, and soup kitchens<sup>3</sup>.

### *1921*

The City of Los Angeles rezoned the eastern half of Downtown for industrial uses in 1921. As a result, much of the existing housing stock that had long existed in the district could now give way to new industrial activity.



Central City East, c. 1927.  
Image Source: CRA/LA.

## 1920s to 1960s

The Great Depression, the Dust Bowl, and the wars that followed (World War II, Korean War, and Vietnam War) forced the displacement and migration of many farmers, workers, war veterans, and transients in search of jobs and a better life in Los Angeles. Given the proximity of rail and the clustering of cheap housing and social services, many settled in the district<sup>4</sup>. Central Station was demolished in 1956, ending a chapter of our neighborhood's origin story.

## 1960s

Many hotels were falling into disrepair, forcing owners to either repair or demolish their properties to maintain compliance with the City's building and safety codes. Many opted for demolition, resulting in the loss of much of the district's housing stock and displacement of a significant portion of the population<sup>5</sup>.

## 1972 and 1976

In 1972, the City of Los Angeles and the Community Redevelopment Authority (CRA/LA) authored the Silver Book Plan – a 20-year vision of DTLA that called for the razing of Skid Row and its affordable housing stock. In response, in 1976, affordable housing activists put forth their own plan, the Blue Book, which aimed to save housing in Skid Row. A coalition of Downtown boosters, citywide NIMBYs, and affordable housing advocates settled on a compromise – the policy of Containment. It saved the neighborhood's housing stock, but also created a 50-block zone to contain the homeless<sup>6</sup>.



Central Station, c. 1950s.  
Image Source: USC Digital Collection.



Wall Street. c. 1932.  
Image Source: California Historical Society.



Volunteers of America, c. 1950.  
Image Source: Los Angeles Public Library.



## Post-1976

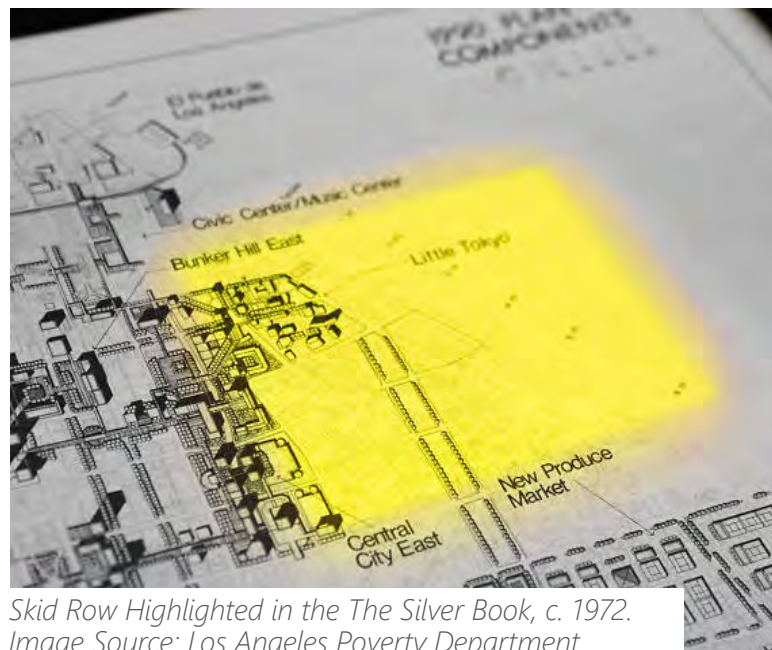
With Containment firmly in place as a guiding policy, CRA/LA formed the Single Room Occupancy (SRO) Housing Corporation to acquire and rehabilitate the hotels in the district. Service providers relocated within the Containment zone and expanded their services. Areas outside the zone were now shielded from their fellow Angelenos, who happened to not have a home to live in<sup>7</sup>. In 2016, Los Angeles City Council adopted a motion to formally reverse the policy of Containment, forty years after it established the framework for shaping our neighborhood.

Today, Central City East is an industrial-residential neighborhood, shaped by an odd intersection of compromises and policies. It is a dual-use district – accommodating either industrial activity or 100% affordable housing with no intervening uses to provide it the amenities that other neighborhoods attract (and are allowed by policy).

We are the city's largest cluster of seafood, produce, and flower businesses. We are also the city's largest cluster of homeless service providers, shelters, missions, and affordable housing stock. To be clear, we embrace this, all of it. But we also know that the City's existing – and proposed – policies are holding us back from becoming a more complete neighborhood.

## We continue to build on past efforts

We want to acknowledge our years-long engagement with the Department of City Planning. We are in the sixth year and appreciate the numerous opportunities to provide input. In 2015,



## Pain, Poverty Along Skid Row

Redevelopment will proceed to deal with the Row where it is, recognizing both the physical place and the people who live there, attempting to improve those lives even while improving buildings.

The new plan also has an element of containment. "The most practical approach," says the Citizens Advisory Committee report, "indicates action that will minimize the impact of Skid Row on the rest of downtown."

In plainer terms, that suggests keeping the residents in their place. New services and amenities will be installed on the east side of the Row, away from the Central Business District and toward a more insulated community.

*Los Angeles Times Article. December 19, 1977.  
Image Source: Los Angeles Times.*

CCEA volunteered to supplement the Department of City Planning's outreach efforts by engaging stakeholders in our neighborhood and assembling their input. Then and now, our goal has been to provide you with first-hand insights into the everyday issues and institutional knowledge of our stakeholders.

During our latest round of stakeholder outreach, conducted in the summer of 2020, we have strived to engage with the same non-profit partners as we did in 2015. Our intention has been to validate, confirm, and update the input previously received.

In this document you will read that our overarching position is to actively reverse the policy of Containment, which applied to no other neighborhood in the City but ours.

Containment has shaped our community, the daily lives of our residents and workers, and the operations of our non-profit partners in ways that none other have been. We are here to help you rethink it. Again, we thank you for all your work.

### **Central City East Association**

Recommendations informed by conversations with our neighbors:

Inner-City Arts  
Para Los Niños  
Skid Row Housing Trust  
SRO Housing Corporation  
The Midnight Mission  
The People Concern  
Union Rescue Mission  
Volunteers of America  
Weingart Center



Central City East, 2020.  
Image Source: Google Earth.



# 3

## PRINCIPLES FOR A BETTER DOWNTOWN, A BETTER CITY

Over the course of two months, in the summer of 2020, CCEA met individually with nine non-profit institutions in our neighborhood. The missions of these stakeholders vary. Some endeavor to bring our unsheltered neighbors off the street by providing temporary accommodation, developing permanent supportive housing, and offering mental health services. Others are involved in expanding education, art, and creative opportunities. Whether they have had a presence of 100 years or ten in the District, each is a pillar of our community. We believe their institutional memory and understanding of our neighborhood will serve as a valuable input as you continue refining the draft DTLA 2040 plan.

During these conversations, several themes emerged. We have organized these as our planning principles on the following pages to help you rethink and reshape the plan. As you review these, we would like to note that the single most significant issue that came up in our conversations was the current plan's housing approach to the 15 blocks that make up the heart of our district (between San Pedro and Central, and between 5th and 7th). Here, as you know, your August 2020 draft plan proposes a policy that would allow residential development but would limit future residents based on income.

Since providing you our input after the first outreach exercise in 2015, our stakeholders were hopeful that the City would use DTLA 2040 as the vehicle to undo the City's policy of Containment and allow Central City East to evolve into a neighborhood with a mix of uses, residents, incomes, and generations. Unfortunately, it appears to instead double down on Containment and proposes residential uses based solely on the principle that the neighborhood's only future role is to receive, house, and provide services for our most impoverished fellow citizens.

But we know Containment did not work. Far from solving homelessness for thousands of our unsheltered neighbors, it allowed the rest of the city to turn its back on them, utilizing a flawed and oft-used argument that the homeless belong in Skid Row and Central City East and nowhere else.

# Principle I: Dismantle the City's Policy of Containment

Los Angeles' policy of Containment, instituted in the 1970's, is our city's defining planning folly. While notionally set aside via a City Council motion in 2016, it has for nearly 50 years served as the structural framework for how our neighborhood is perceived and operates. We urge you to employ DTLA 2040 as the means to, once and for all, dismantle, reverse, and undo this destructive anachronism – via actionable policies that go beyond words. For far too long, Containment has concentrated and confined our region's most vulnerable populations to some 50 blocks in the heart of Downtown (to "shield the rest of Downtown and the City" from the impacts of the homelessness).

DTLA 2040, however, singles out, yet again, our neighborhood to disproportionately serve the region's needs. The plan's IX1 Use District (applicable approximately on 15 blocks from 5th to 7th Streets and San Pedro Street to Central Avenue) restricts any new housing to those of the lowest of incomes only. This approach further perpetuates the cycle of designed and concentrated poverty in our community and reinforces Containment. As shown in [Figure 1](#), the IX1 Use District allows for only "Critical Housing for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses.

Market rate housing is not allowed." Nowhere else in Downtown (or the City, as far as we can tell) is a single neighborhood or area purposefully restricted by income.

While your intention is to expand housing affordability – a position we wholeheartedly support, the outcome is essentially segregation by income. We believe that using income as a criteria to create neighborhoods – impoverished or affluent alike – is not good policy with no evidence of success anywhere.

If mixed-income and multi-generational neighborhoods are what the City aspires to everywhere else, why not here? Residents of our neighborhood are deserving of upward economic mobility just as much as residents elsewhere in the City (a case in point: as of July 2020, the draft community plans for the ongoing Westside planning updates show no income-based housing policies). We urge you to be consistent with your own tenets of neighborhood planning that prioritizes diversity of housing typologies for a diversity of populations, from small to big, owned to rented, affordable to market-rate in making "complete communities."<sup>8</sup>

**"The policy of Containment has been an absolute failure. It has neither shielded the rest of Los Angeles from the ravages of homelessness, nor did it create a healthy neighborhood in Skid Row and Central City East."**

**- G. Michael Arnold, President & CEO, Midnight Mission.**



DTLA 2040 calls out the following housing categories in its Housing Map:

- Allow for buildings to have all types of housing, including Affordable, family, live/work, supportive, & market rate. Allow for larger buildings where builders have dedicated space for Community Benefits.
- Allow for live/work housing, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate. Allow for larger buildings where builders have dedicated space for Affordable Housing. As of the August 2020 draft, Hybrid Industrial 1 (1H1) was updated to allow all types of residential unit designs, not just live/work. Allowing a greater mix of uses encourages opportunities for new housing development.*
- Allow for live/work housing, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate. Allow for larger buildings where builders have dedicated space for Affordable Housing.
- Allow for only Critical Housing for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses. Market rate housing is not allowed.
- Allow for live/work housing through reuse of existing buildings, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate.

"The ideal is to have mixed-income, mixed-use, mixed-housing in our neighborhood, so that we have a balanced community, and the ability to create a vision for hope for everyone in our community."

**- Orlando Ward, Executive Director of External Affairs, Volunteers of America, Los Angeles**

**IX1 Use District**

CCEA Boundary

Figure 1. DTLA 2040 Housing Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019.



## Principle 2: No Net Loss of Affordable Housing, No Displacement

The mission of our non-profit partners is to house and support our unsheltered neighbors and fellow citizens. So, while we ask for Containment to be dismantled, we also insist that there be no net loss of affordable housing nor any threat of residential displacement in our community.

Fortunately, the supply of affordable housing in Central City East is stable and protected. Our stock of affordable units is overwhelmingly supplied by institutions whose mission and *raison d'être* is to shelter and provide aid to our most vulnerable populations.

The residents living in these units, given the nature of ownership, will never be threatened by displacement. Obviously, we do not intend for our district to abandon its service mission.

Although existing policies and judicial decisions (e.g., Wiggins Settlement Agreement) help to preserve and protect some of Downtown's invaluable affordable housing, the City should go beyond and mandate that there occur no net loss of affordable housing units throughout Los Angeles, including Downtown.

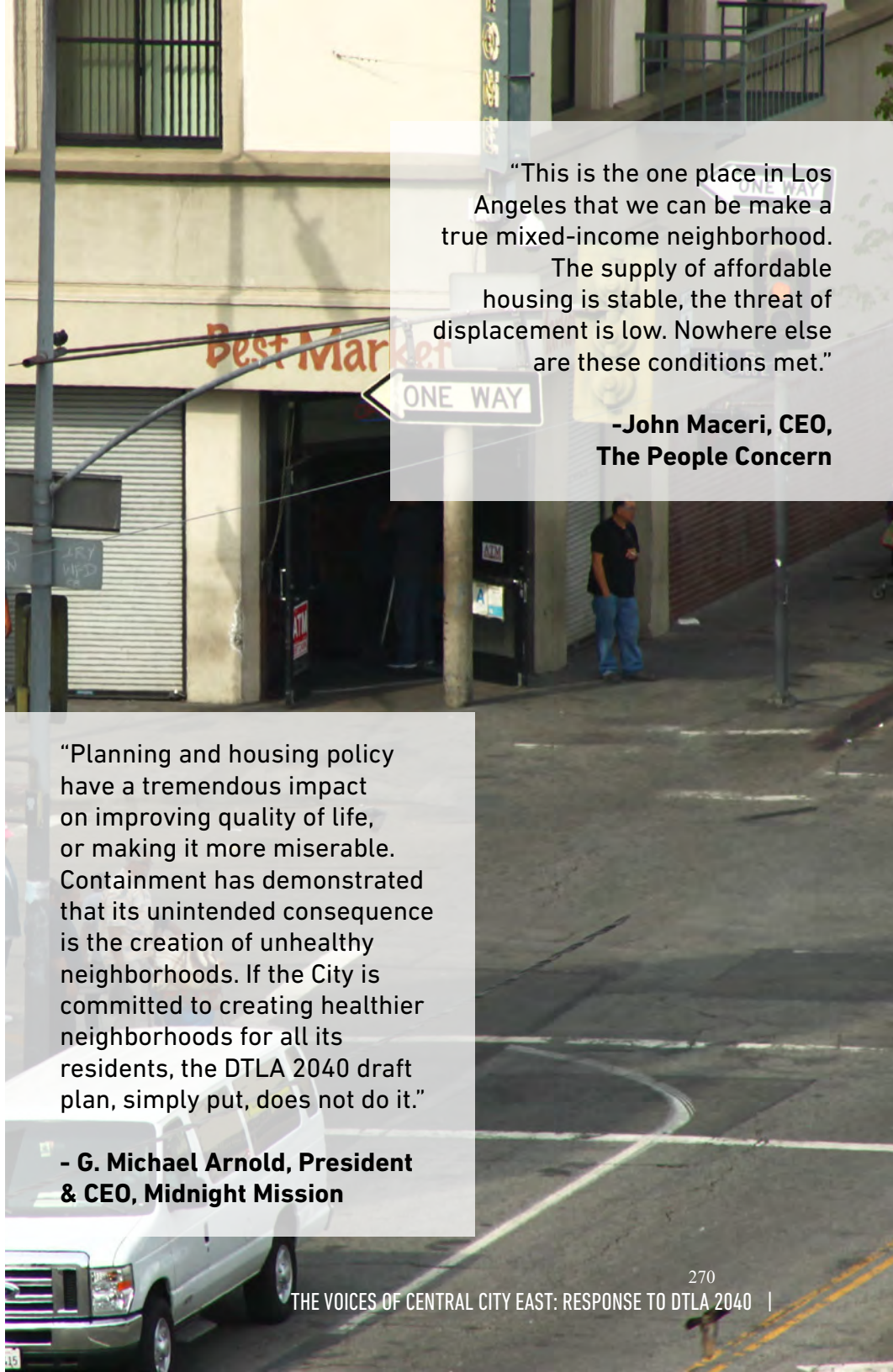


## Principle 3: Help us become a Complete Neighborhood

While the rest of the City may have a TV-screen impression of the daily reality of Skid Row and Central City East, we know this is a neighborhood – unlike others, but a neighborhood nonetheless. People live here, they work here. However, our unbalanced land use policy (that allows only two uses: industrial activity or income-determined housing), prevents the introduction of amenities, services, and mix of residents that other neighborhoods naturally attract and expect. If the City would like to demonstrate that it really does aspire to mixed-income neighborhoods, it would be prudent to showcase ours.

With a stable and protected affordable housing stock, Central City East presents a rare opportunity to create a mixed-income neighborhood – one that would elsewhere be politically challenging and economically infeasible.

Allow our neighborhood to build a range of housing types and accommodate residents of all incomes and we will demonstrate that mixed-income neighborhoods are feasible, stable, and better.



“This is the one place in Los Angeles that we can be make a true mixed-income neighborhood.

The supply of affordable housing is stable, the threat of displacement is low. Nowhere else are these conditions met.”

**-John Maceri, CEO,  
The People Concern**

“Planning and housing policy have a tremendous impact on improving quality of life, or making it more miserable. Containment has demonstrated that its unintended consequence is the creation of unhealthy neighborhoods. If the City is committed to creating healthier neighborhoods for all its residents, the DTLA 2040 draft plan, simply put, does not do it.”

**- G. Michael Arnold, President  
& CEO, Midnight Mission**



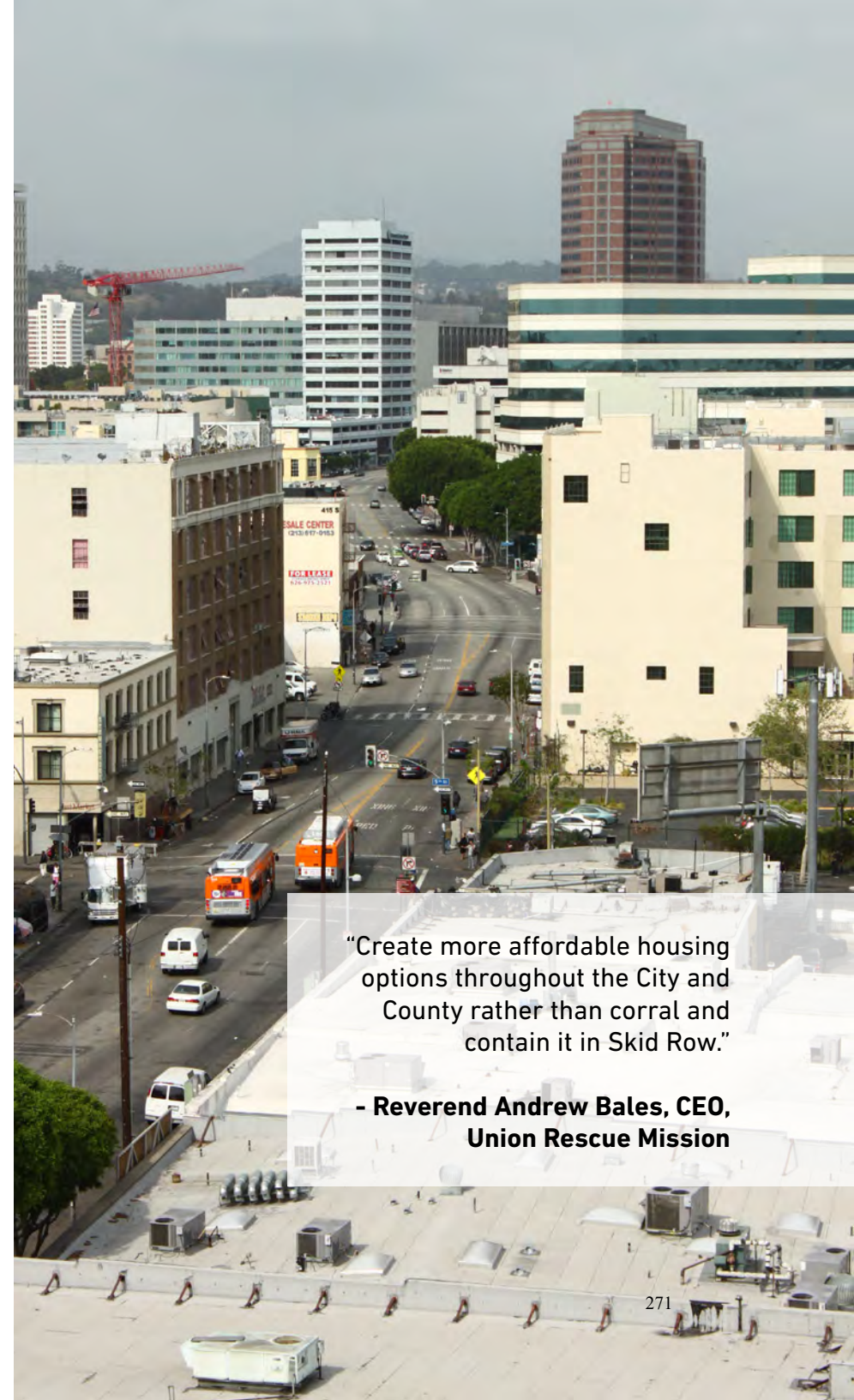
## Principle 4: Make Housing Universally Abundant

Los Angeles is living through a self-inflicted housing crisis. For decades, we have seen the construction of new homes across the city dwindle for the sole reason that residents of affluent neighborhoods have stymied them (to protect their community character, to preserve pastoral sprawl, to prevent a traffic apocalypse, or any number of self-serving anxieties). This manufactured anti-development attitude has made housing unavailable in a city that continues to grow and expand its job base. It has made Los Angeles unaffordable for an entire generation of Angelenos.

We have to do two things. First, we must address the long-term imbalances in our citywide planning framework that suppresses housing production (of all types). We are a city of opportunity; the self-described creative capital of the world. We create new jobs by the thousands, but simultaneously shut out working-class, current and future Angelenos by denying them affordable housing.

Second, we need more affordable housing in the short-term to provide relief to Angelenos facing the threat of displacement and eventually homelessness. We urge you to consider the 50-year evidence we have of the effects of housing scarcity, here and across the largest cities of the nation.

Make it easy for this city to produce more homes citywide, so neighborhoods like ours are not subject to planning oddities like Containment and income-based residential restrictions.



"Create more affordable housing options throughout the City and County rather than corral and contain it in Skid Row."

**- Reverend Andrew Bales, CEO, Union Rescue Mission**

## Principle 5: Address the Real Reason why Housing is so Unaffordable in the City

Like most cities in California, the City of Los Angeles is wrestling with decades-long structural imbalances in its citywide housing policy. If housing affordability is our goal, we must reconsider these policies.

The reason why gentrification, displacement, and housing scarcity is the lived reality of an entire generation of Angelenos is because all new multi-family housing (the housing type that is typically affordable) is allowed only in a quarter or the city's land area.

Because we ban affordable housing in most of our city, neighborhoods like ours are presented with an outsized responsibility for providing affordable housing. But we already account for the largest share of deeply affordable housing in the region.

The arena for all housing policy maneuvers has been corralled within a quarter of Los Angeles' geography. Planners are therefore forced to resort to policy contortions – like the one that DTLA 2040 proposes for our neighborhood – to invent affordable housing out of thin air. But we don't have to set ourselves up for permanent failure.

We need to expand affordable housing citywide, not just along arterial corridors or in Downtown.

"Our priority is expanding the supply of affordable housing across the region, not only in Skid Row."

**- Anita Nelson, CEO,  
SRO Housing Corporation.**

"Inner-City Arts provides students from low-income communities a safe oasis of learning, achievement, and creativity in the heart of Skid Row. Their safety is our priority and responsibility. On a daily basis, it feels more challenging to achieve that here. We need to rethink the future of our neighborhood."

**- George Garcia, Interim Executive  
Director, Inner-City Arts**

*Map Source: Google Earth, 2020.*



## Principle 6: Equitably Distribute Services Region-Wide

Non-profits and service providers in our neighborhood are operating at and beyond their capacity. The continued clustering of their facilities presents major operational challenges and costs that diminish the effectiveness of fulfilling missions.

Further, there is a human cost to requiring our unsheltered citizens from across the region to travel to Skid Row to avail services. It forces them to break their connections to their communities and upends any remnants of stability.

Over the decades we have seen the cumulative disservice clustering and Containment have done to those most in need. To be clear, we are not going anywhere and the need for services are real and should be expanded not cut back. However, they should not be provided in Skid Row and Central City East alone.



"Some of our funding partners prefer that we extract our clients out of DTLA and integrate them into communities across the region. For those who stay, there are negative effects – especially for people in recovery and in transition from traumatic experiences."

**- Orlando Ward, Executive Director of External Affairs, Volunteers of America Los Angeles**

"From an institutional standpoint, clustering our facilities in Skid Row and CCE presents major operational challenges and costs. We pay a premium for what are otherwise regular maintenance and repair jobs. It is very difficult to recruit and retain staff."

**-Anita Nelson, CEO, SRO Housing Corporation**



## Principle 7: Plan for a Better, Kinder Los Angeles

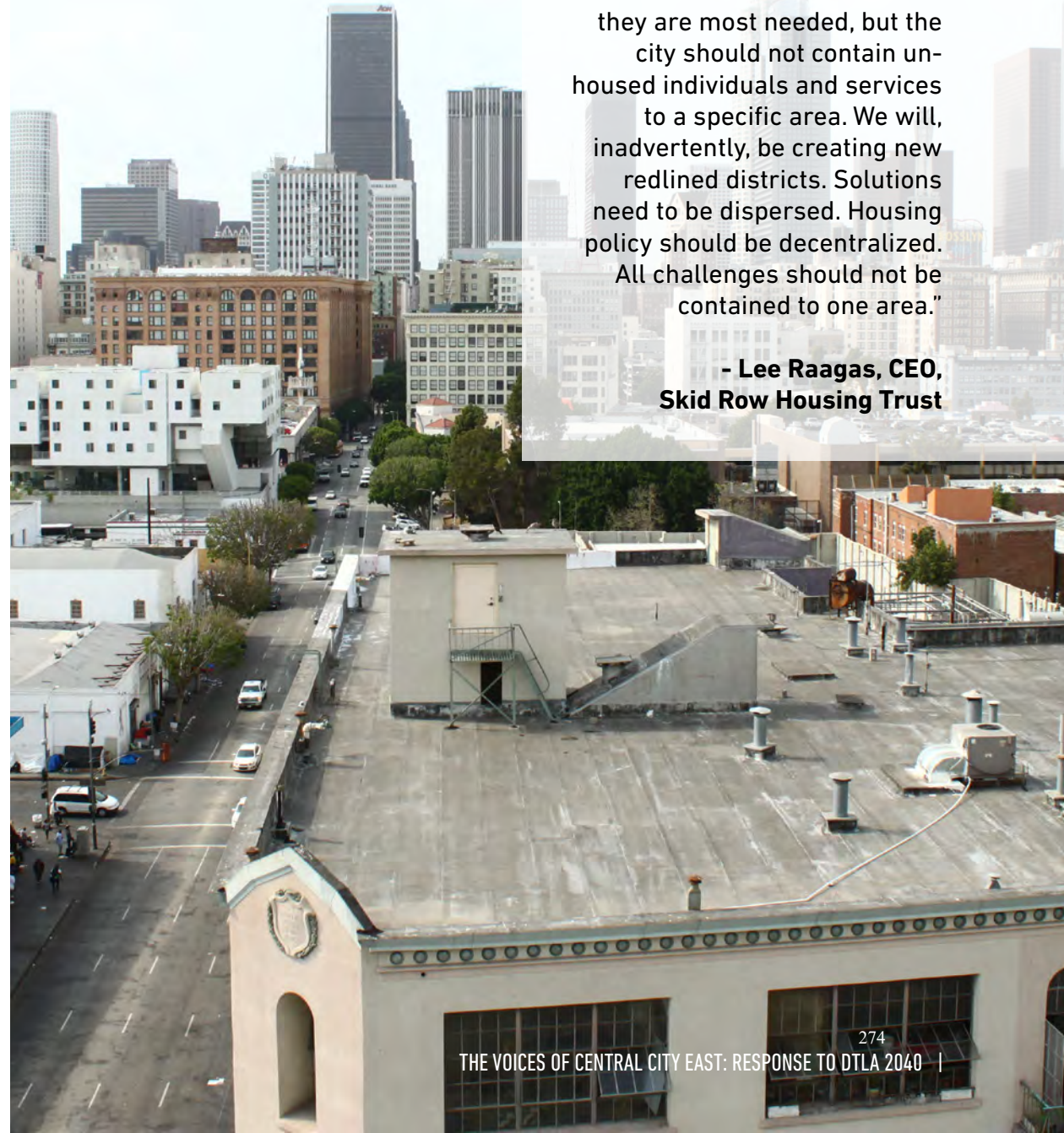
The legacy of 50-years of Containment is twofold. First and most visibly, it has created the city-sanctioned clustering of unsheltered Angelenos on the streets of our neighborhood. Second and less obvious, it has created a permission structure where residents across the city are allowed to tell their un-housed neighbors, “you do not belong here, but in Skid Row.”

This ultimately is the long-lasting effect of Containment. It has allowed policy makers, civic leaders, and ordinary Angelenos to become distant and oblivious to the disastrous consequences of isolating and clustering people by need and income.

Actively reversing Containment – and certainly not reinforcing it by pursuing income-based planning – is a necessary first step to make Los Angeles a kinder and better version of itself.

“We know that there are operational efficiencies when services are clustered to where they are most needed, but the city should not contain un-housed individuals and services to a specific area. We will, inadvertently, be creating new redlined districts. Solutions need to be dispersed. Housing policy should be decentralized. All challenges should not be contained to one area.”

**- Lee Raagas, CEO,  
Skid Row Housing Trust**



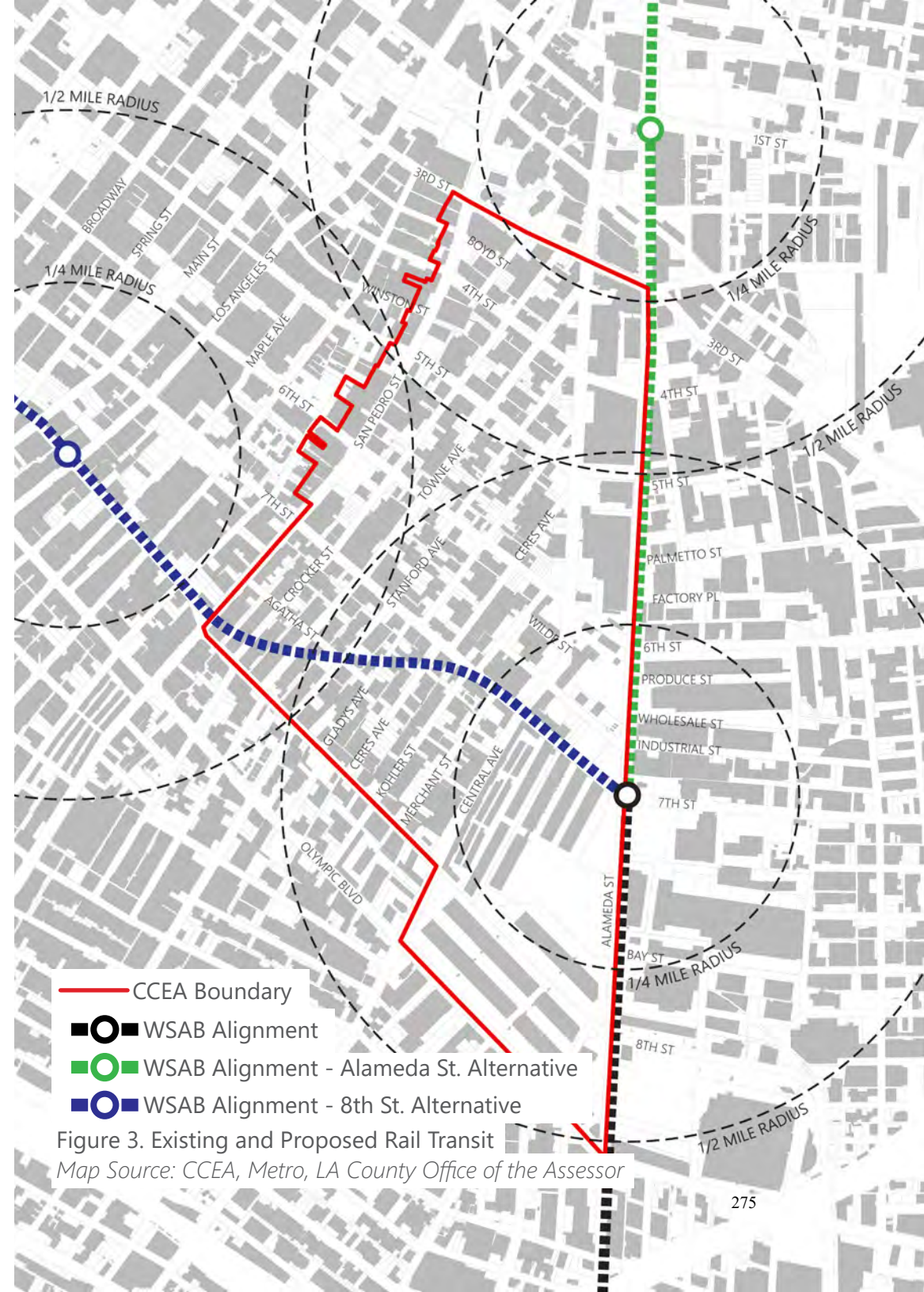


## Principle 8: Anticipate and Allow Transit to Shape our Neighborhood

The eastside of Downtown Los Angeles is infamously transit poor. That is likely to change when the West Santa Ana Branch (WSAB) light rail corridor is built along the Alameda corridor. Regardless of the alignment option finally selected, there will be a new station at 7th and Alameda. There is already a station at 1st and Alameda (serving the Regional Connector). The 10-minute walk sheds of both station locations provide access to the eastern areas of our neighborhood.

Transit networks shape cities, but they need supportive land use policies to be effective. We urge you to plan for smart growth in transit-adjacent areas of Central City East by allowing for the clustering of jobs and homes.

Increased densities for both commercial and residential in transit-accessible parcels helps support the transit system with increased ridership, while simultaneously making land-use more efficient and less reliant on automobile access.



## Principle 9: Do not Compartmentalize Community Plans

Los Angeles is one city with 35 Community Plans. The daunting logistics of a single citywide land use plan update explains the need for multiple Community Plans. However, deference to logistical challenges has unfortunately shaped our planning approaches.

Community Plans do not exist in isolation. They push, pull, bump, and sway each other. Updating DTLA 2040 in isolation guarantees that the role that DTLA had been conceived to originally play will not be questioned.

But our entire position is predicated on the assumption that our neighborhood's citywide role and identity need to be questioned and rewritten. Not doing so has allowed Containment to persist for over 50 years, even decades after everyone acknowledged it was a failed policy.

Our suggestion, separate from the DTLA 2040 process, is to overlay on your regular community plan update schedule a periodic, say 15-year, strategic planning milestone where the city is looked at in its entirety. Community plan boundaries should not constrain citywide thinking that can help shape individual plan updates.

“Midnight Mission is overwhelmed by need and would prefer to decentralize, to not meet all that need in Skid Row. But DTLA 2040’s housing approach to our neighborhood is creating perverse incentives to perpetuate centralization. It says, ‘If you are homeless and impoverished, come here’. This is a perverse incentive.”

**- G. Michael Arnold, President & CEO, Midnight Mission.**

Figure 4. Los Angeles Community Plans  
Map Source: DTLA 2040, City of Los Angeles, October 2019.





# 4 | SUGGESTIONS AND RECOMMENDATIONS

## What We Support in the draft version of DTLA 2040

CCEA and the social service leaders we spoke with understand and acknowledge the hard work required to update the Downtown Community Plans and a Citywide Zoning Code. It is no small feat. We applaud City staff and leadership for using DTLA 2040 to make headway on issues of sustainability, equity, and inclusivity. As the plan continues to be refined in the coming months, CCEA would like to recognize and support the following plan elements and ask that they not be diluted or eliminated.

### 1. *Expanded footprint of where housing is permitted in Downtown.*

The draft DTLA 2040 plan shows a much larger area of Downtown where residential uses would be allowed. This approach is consistent with our principle of housing abundance and we strongly support it. Obviously, we hope this approach is applied not just to Downtown but expands to the city's 34 other community plans as well.

### 2. *Elimination of parking minimums.*

Onerous parking minimums have long burdened residential projects by adding cost and reducing

usable density. They have throttled housing production and made the development of scores of, otherwise reasonable, housing projects infeasible. We support the proposed elimination of parking minimums and can clearly envision the improved built form and public realm that will become the new norm in Downtown.

### 3. *Recognition and formalization of traditionally industrial districts as complete neighborhoods.*

While about half of Downtown is currently zoned industrial, there are large swaths of these "industrial districts" that have moved beyond their underlying land use. While we think you can go further (as you will see on the following pages), we do recognize and generally support your approach in transitioning "industrial districts" to complete mixed-activity neighborhoods.

### 4. *Expansion of the XC1 Use District onto parcels south of Little Tokyo.*

Related to #3 above, we would like to call out your planning approach between 4th and 5th Streets in our district. It formalizes a mixed-use trend that has long supplanted the underlying industrial zoning designation. Again, we think the approach can expand geographically, but acknowledge that this is a good start.



## What We Do Not Support in the draft version of DTLA 2040

The suggestions that follow pertain to approaches in your current draft plan that we do not support. It is our goal to provide constructive feedback and we have therefore marked up your plans with specific guidance on how we think they should be revised to better align with the aspirations and ideas of our non-profit partners (as outlined via the principles in the previous section). Please note that we attempted to mimic, to the best of our understanding, your draft plan's color codes. But please refer to the annotations to best understand our suggested revisions.

Additionally, to support your ongoing plan revisions, we have assembled a set of tests that we believe will help us (and you) evaluate whether planning approaches for our neighborhood are consistent with CCEA stakeholder input. A plan that we will support should have a clear “no” as the appropriate response to each of the following questions:

1. *Does the plan reinforce Containment? Specifically, does the plan segregate by income?*
2. *Does the plan disallow Central City East from becoming a mixed-income, multi-generational neighborhood akin to others in the city?*
3. *Does the plan single out CCE with a unique planning approach not applied anywhere else in the city?*







“We need this to be a balanced community, with residents of all levels of income. This will make us smarter, more wholesome, and more compassionate. We need to be lifting aspirations, creating the conditions for people to rebuild their lives.”

**- Orlando Ward,  
Executive Director of External Affairs,  
Volunteers of America Los Angeles**



# Housing Approach

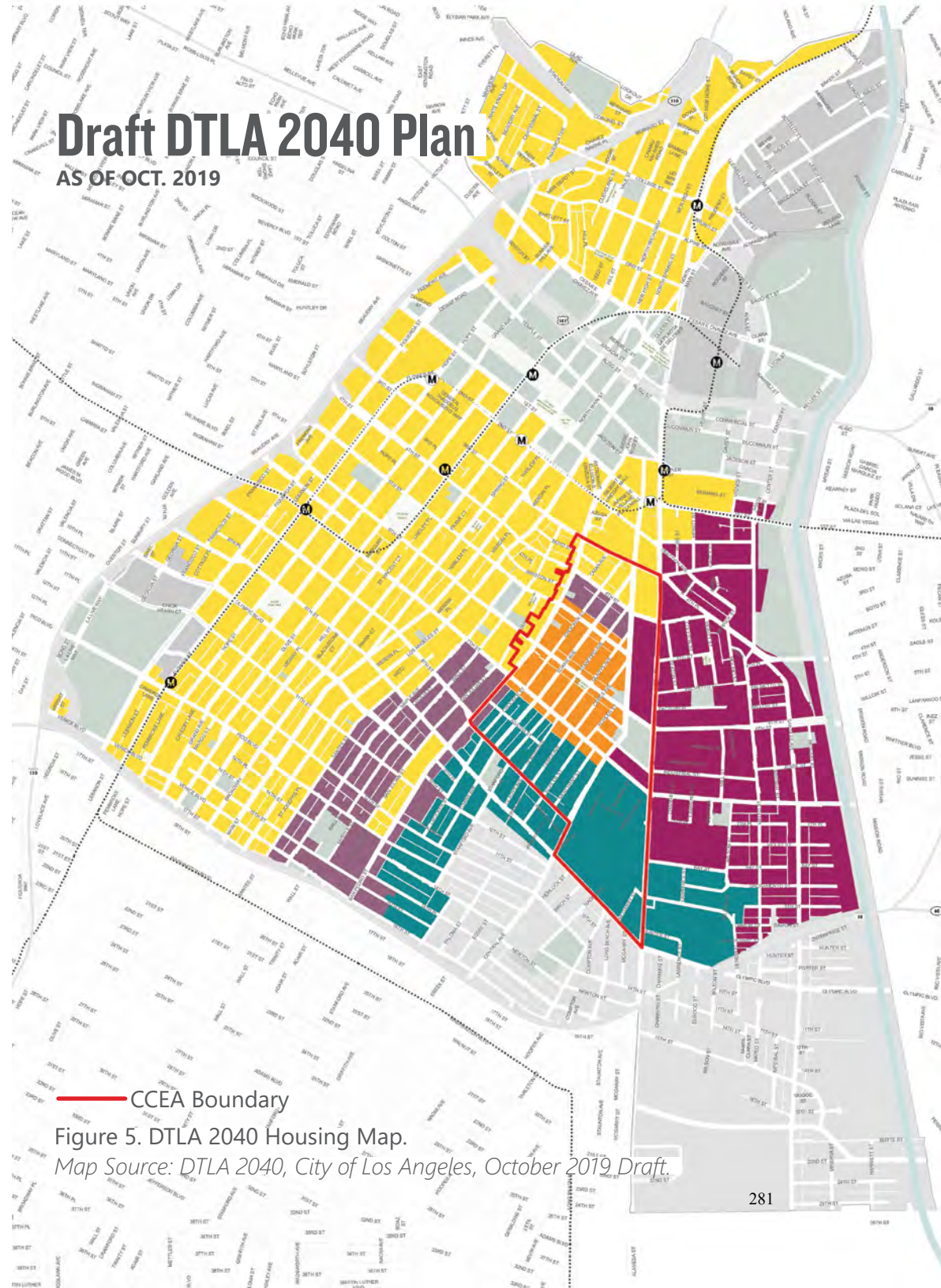
The annotated plans on the facing page provides specific ideas on how we suggest you revise DTLA 2040's housing policy. The underlying intention of these suggestions have a singular focus: that our neighborhood become a mixed-income neighborhood. We want to stress that the plan's housing approach ranks as the highest priority for our stakeholders and emerges from our consensus opinion that Containment must be actively dismantled. However, the current draft plan seems to be reinforcing it (in spite of City Council's 2016 motion that rejected Containment).

## HOUSING TYPES (PER OCT. 2019 DTLA 2040 DRAFT)

-  Allows all housing types.
-  Allows all housing types. *Previously only allowed live/work housing, with commercial or light industrial job-generating uses.*
-  Allows for live/work housing, with commercial or light industrial job-generating uses.
-  Allows housing only for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses. Market rate housing is not allowed.
-  Allow for live/work housing only through reuse of existing buildings, with commercial or light industrial job-generating uses.

## Draft DTLA 2040 Plan

AS OF OCT. 2019



— CCEA Boundary

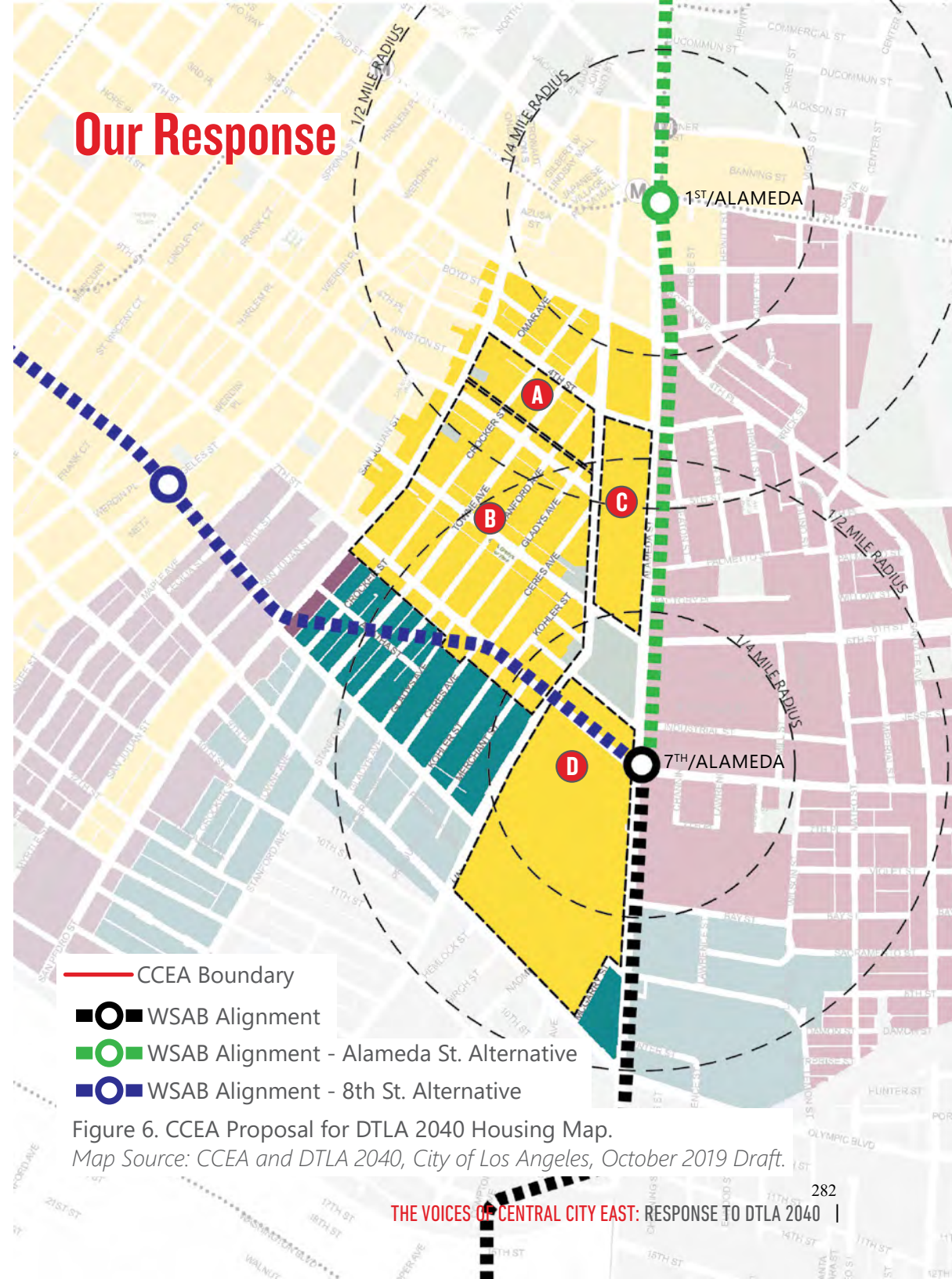
Figure 5. DTLA 2040 Housing Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.



## Our Response

- A ALLOW ALL HOUSING TYPES SOUTH OF LITTLE TOKYO BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> STREETS.** The August 2020 draft partially addressed this suggestion. We recommend to go further and allow all types of housing.
- B ALLOW THE CORE OF CCE TO BECOME A MIXED-INCOME NEIGHBORHOOD.** Allow for all housing types for all levels of income, from affordable to market-rate.
- C TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- D CLUSTER JOBS AND HOMES WITHIN 1/4 AND 1/2 MILE OF TRANSIT STATIONS.** Allow for all housing types on parcels closest to the proposed WSAB station at 7th St. / Alameda St.



- CCEA Boundary
- WSAB Alignment
- WSAB Alignment - Alameda St. Alternative
- WSAB Alignment - 8th St. Alternative

Figure 6. CCEA Proposal for DTLA 2040 Housing Map.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.

# Use Approach

The overall intention of our suggested revisions to the draft land use plan are to allow our neighborhood to retain its industrial-residential identity. The plan should not preclude future industrial and commercial uses from being developed and should allow for future housing (of all types and all incomes). This approach appears to align with the recent updates to the Fashion District's approach. Additionally, we are suggesting that the plan anticipate transit along Alameda and introduce transit-supportive uses and densities within the 5-minute walk of station locations.

## USE DISTRICTS (PER OCT. 2019 DTLA 2040 DRAFT)

### RESIDENTIAL:

RG1  
RN1

### COMMERCIAL MIXED-USE:

XN1  
XC1  
XG1  
XE1

### OPEN SPACE:

OS1

### PUBLIC FACILITIES:

PF1

### INDUSTRIAL MIXED-USE:

IX1  
IX2  
IH1  
IH2

### INDUSTRIAL:

MR1  
MH1

### AGRICULTURE:

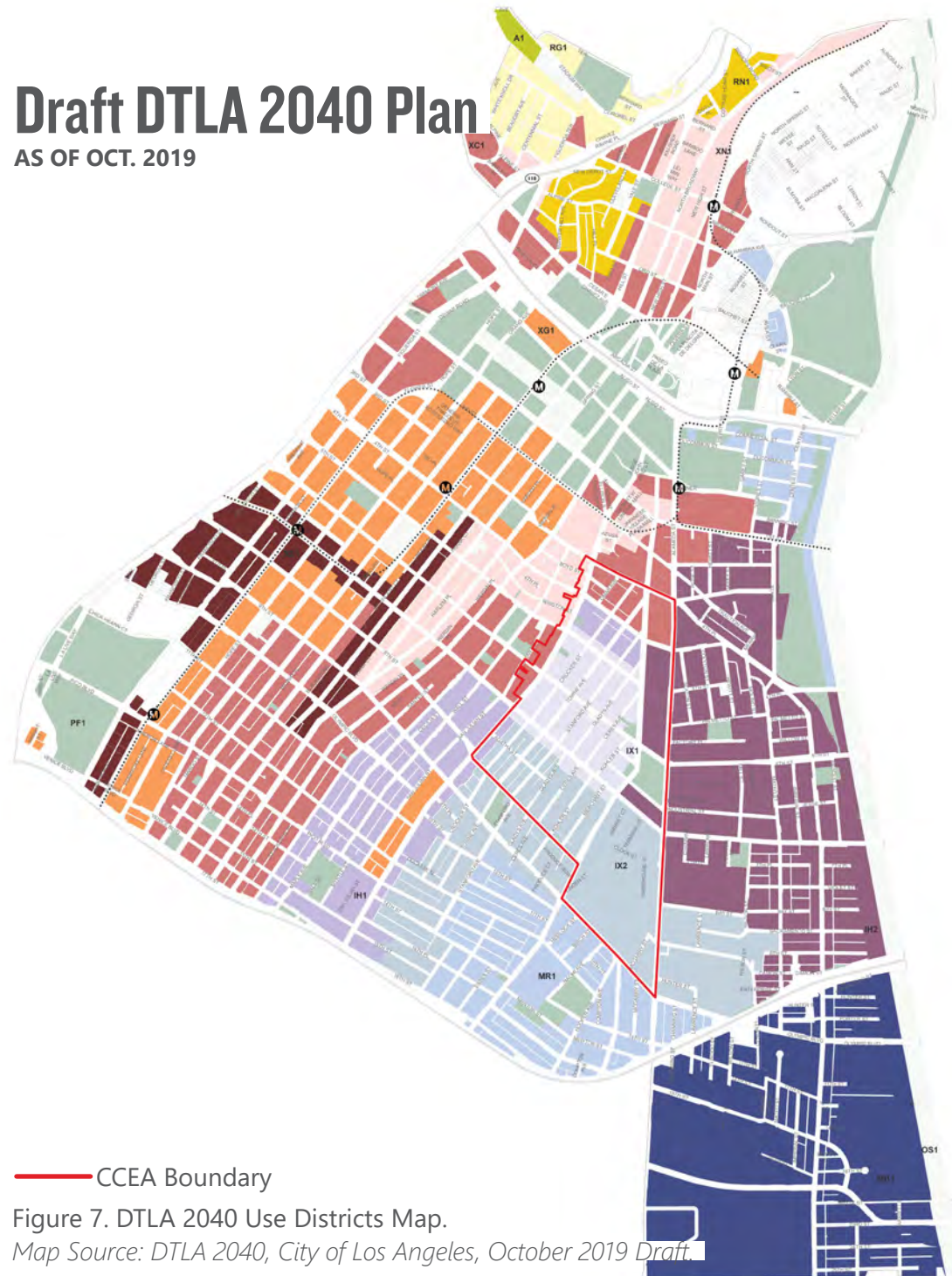
A1

### SPECIFIC PLAN:

--

# Draft DTLA 2040 Plan

AS OF OCT. 2019



— CCEA Boundary

Figure 7. DTLA 2040 Use Districts Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.



## Our Response

- A ALLOW THE CORE OF CCE TO TRANSITION MORE INTO 'COMPLETE NEIGHBORHOOD.'** Allow for the introduction of amenities, services, and mix of residents that other complete neighborhoods naturally attract and expect. Do not preclude future industrial, commercial, and all kinds of residential uses.
- B TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- C CLUSTER JOBS AND HOMES WITHIN 1/4 AND 1/2 MILE OF TRANSIT STATIONS.** Allow for all housing types on parcels closest to the proposed WSAB station at 7th St. / Alameda St.

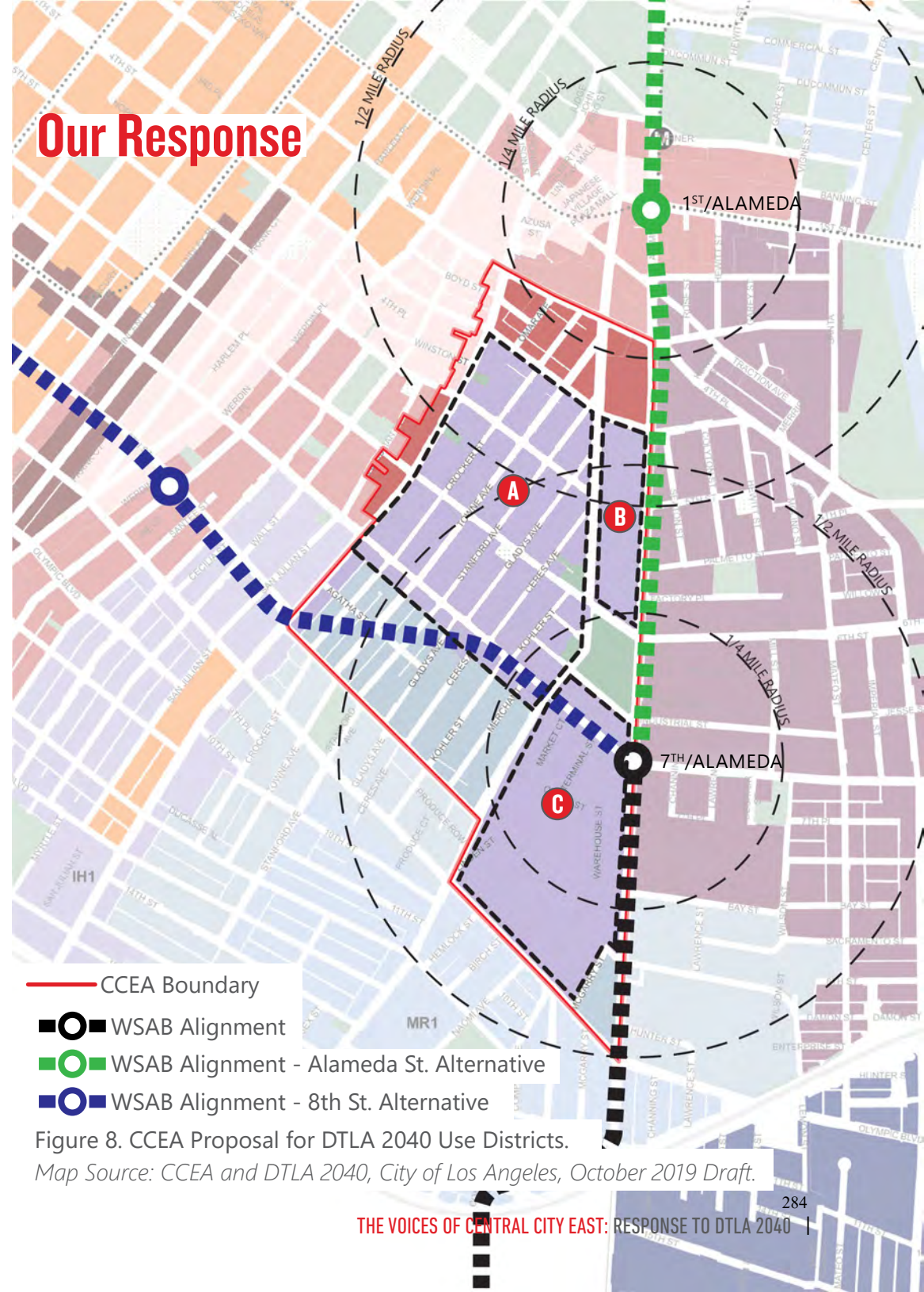


Figure 8. CCEA Proposal for DTLA 2040 Use Districts.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.



# Form Approach

The intentions underlying the suggested revisions to the DTLA 2040's form approach address the corridors of the district. San Pedro is a major north-south corridor for the eastern half of Downtown and should be allowed the height and scale of other significant Downtown corridors that provide a sense of arrival into Downtown. Additionally, we recommend that Central Avenue have uniform use and form approaches on both sides of the street. Finally, 7th Street is Downtown's primary east-west corridor and our suggestion is that it continue to have the most flexible and dense built form for the entirety of its traversal from the 7th/Metro Station to the Arts District.

## FORM DISTRICTS (PER OCT. 2019 DTLA 2040 DRAFT)

| LOW:<br>>1.5-4.0 FAR | MEDIUM:<br>>4.0-6.0 FAR | MEDIUM PLUS:<br>>6.0-8.5 FAR | HIGH:<br>>8.5-13.0 FAR |
|----------------------|-------------------------|------------------------------|------------------------|
| LUF1                 | MLN1                    | PLM1                         | HUB1                   |
| LLN1                 | MLM1                    | PLM2                         | HUB2                   |
| LLM1                 | MLM2                    | PLM3                         | HUB3                   |
| LLM2                 | MUB1                    | PUM1                         | HUB4                   |
|                      | MUB2                    | PUM2                         | HUM1                   |
|                      | MUM1                    |                              |                        |
|                      | MUF1                    |                              |                        |
| OTHER:               |                         |                              |                        |
| Specific Plan        |                         |                              |                        |

# Draft DTLA 2040 Plan

AS OF OCT. 2019

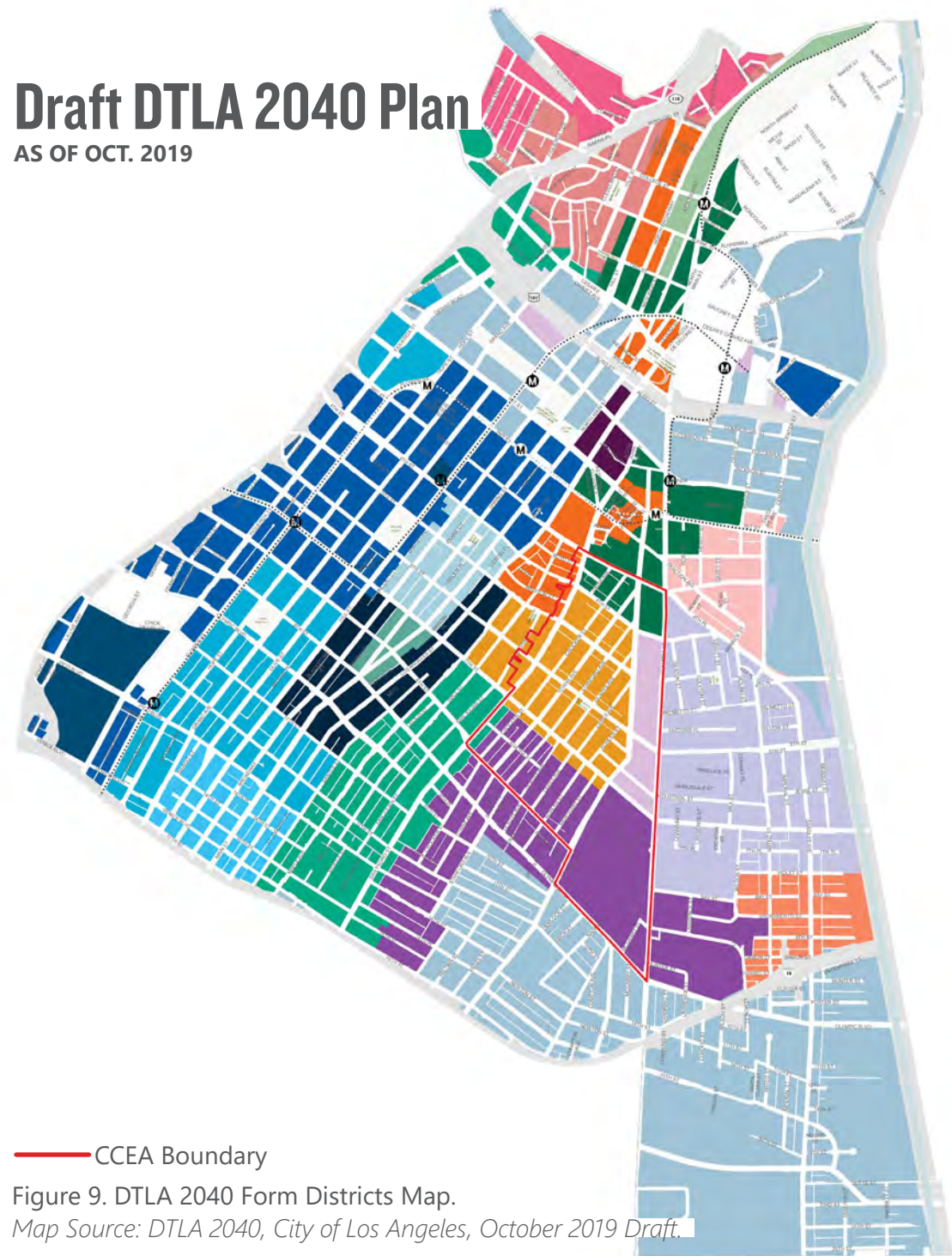


Figure 9. DTLA 2040 Form Districts Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.



## Our Response

- A TREAT SAN PEDRO LIKE THE MAJOR DOWNTOWN CORRIDOR IT IS.** As a gateway to Little Tokyo and the Civic Center, San Pedro should stand out as a significant Downtown corridor. The form and intensity of its edges should promote its importance as the key corridor in the eastern half of Downtown.
- B INCREASE FAR.** To allow for the introduction of amenities, services, and mix of residents of a more complete neighborhood, increase the allowable FAR for the core of CCE.
- C TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- D TREAT 7TH STREET AS A TRANSIT CORRIDOR.** Like 7th St. near the 7th/Metro station, allow for greater FAR within a 1/4 and 1/2 mile radius of the proposed WSAB station at 7th St. & Alameda Ave., similar to the building intensity at ROW DTLA.

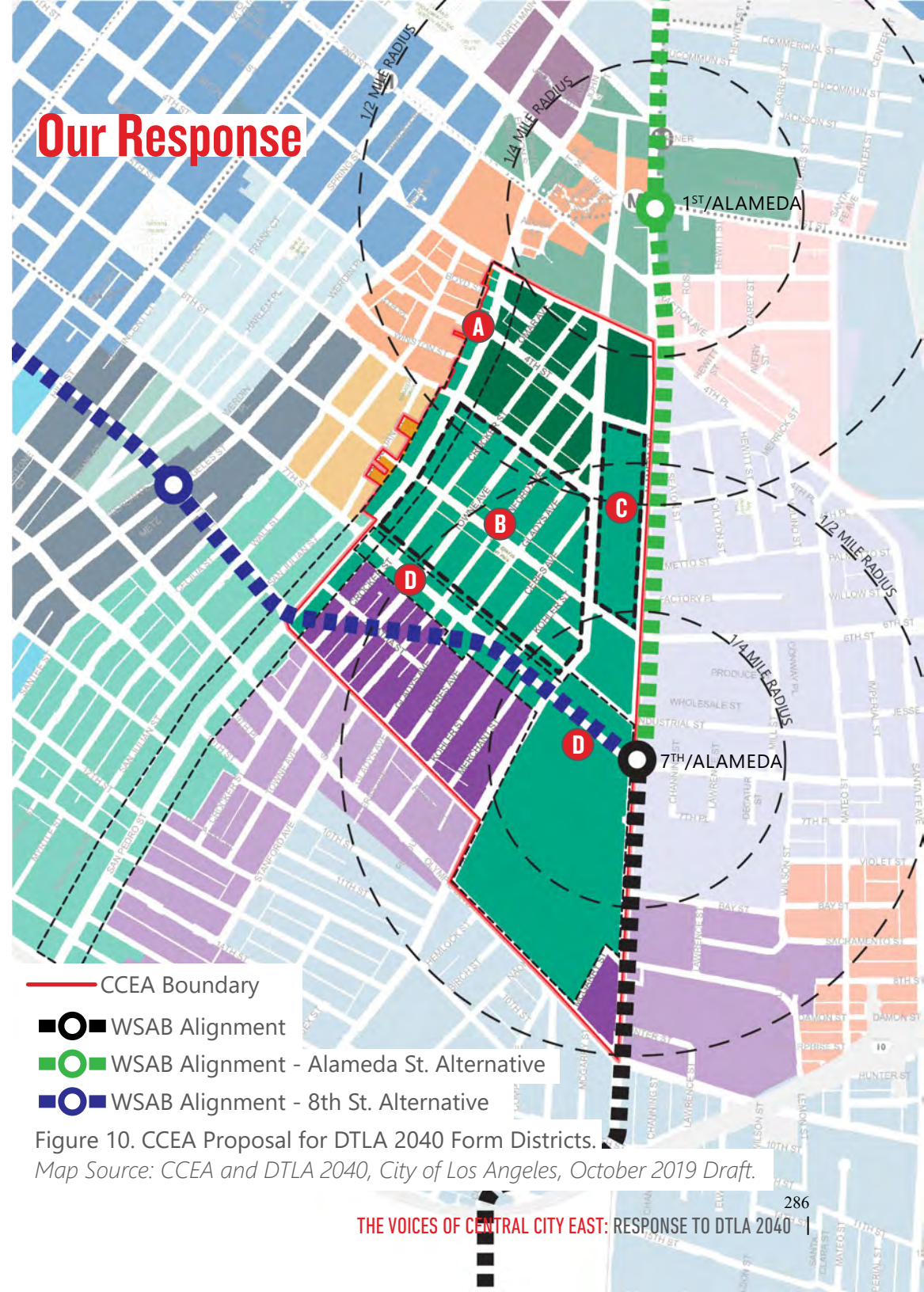


Figure 10. CCEA Proposal for DTLA 2040 Form Districts.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.

# 5

## SHAPING OUR OWN FUTURE

In closing, we again thank you for engaging us and soliciting our input. We hope this document provides both clarity and direction to your efforts. We would like to re-emphasize that there remains a wide gap between what we think the future of our neighborhood is compared to what DTLA 2040 is proposing.

The most notable departure in our respective approaches has to do with the 15 blocks that make up the heart of our district. Defining our community by income, in our minds, constitutes 'Containment 2.0' and makes permanent the structural imbalances that have shaped our neighborhood. We believe that this approach is misguided and goes against planning best practices.

We have spoken and argued for decades against Containment and view DTLA 2040 as the means to finally dismantle it. This is a generational opportunity. We urge you to make use of it.

So if not defined by Containment, what do we want our neighborhood to be?

We are an industrial-residential neighborhood. We want to remain one. We do not want to be a neighborhood of intentional, permanent poverty.

We do not want to be singled out with policies that are nonstarters everywhere else in the city. We are a neighborhood that serves and supports the underserved and we will always be so. But we do not want to be the one neighborhood that every other neighborhood expects to carry this responsibility at this intensity.

We want to be a mixed-income neighborhood with market-rate housing that supplements and does not supplant, because that will ensure our underserved residents have better access to amenities and public services. We will protect and expand our supply of affordable housing, already the most stable of its kind anywhere in the city. Because our non-profits control nearly all our housing supply, we will disallow any effort that displaces our residents. We want a public realm and outdoor experience that provides shade, safety, and comfort to our residents and workers.

We want, with your support, to pursue sound and norm-breaking policies that allow us to chart an inclusive and balanced future, while continuing to serve the most vulnerable.



*Endnotes:*

1. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
2. KCET. "Lost Train Depots of Los Angeles History." <https://www.kcet.org/shows/lost-la/lost-train-depots-of-los-angeles>
3. UCLA Luskin Social Welfare Department. "An Oral History of Skid Row - Full Segment." <https://youtu.be/acSuHsL8W6w>
4. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
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6. 99 Percent Invisible. Episode 279: "The Containment Plan." <https://99percentinvisible.org/episode/the-containment-plan/>
7. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
8. Los Angeles Department of City Planning. DTLA 2040. Draft Community Plan Text. August 2020. [https://planning.lacity.org/odocument/577e7045-8159-41ce-b85b-975df5d6c376/Downtown\\_Community\\_Plan\\_Text\\_Summer\\_2020.pdf](https://planning.lacity.org/odocument/577e7045-8159-41ce-b85b-975df5d6c376/Downtown_Community_Plan_Text_Summer_2020.pdf)

*References:*

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Los Angeles Department of City Planning. DTLA 2040. Draft Zoning Map (Interactive). August 2020.  
Los Angeles Department of City Planning. DTLA 2040. Preliminary Draft of the new Zoning Code. May 29, 2020.  
Los Angeles Department of City Planning. DTLA 2040. Summary of plan policy and zoning updates made since October 2019. August 2020.  
Los Angeles Department of City Planning. DTLA 2040. 4. Housing Orientation. October 2019.  
Los Angeles Department of City Planning. DTLA 2040. 9. Form Frontage Use Overlay. October 2019.







PREPARED FOR THE CENTRAL CITY EAST ASSOCIATION  
BY **DUDEK**



October 27, 2020

Vince Bertoni  
Director of Planning  
City of Los Angeles  
Los Angeles City Hall  
200 N. Spring Street, Suite 525  
Los Angeles, CA 90012

**Re: DTLA 2040**

Dear Vince,

In January I met with you and your staff to discuss DTLA2040, your department's ongoing effort to update the Downtown Community Plans. We reviewed the planning approaches embedded in the draft plan and I provided input from the perspective of Central City East Association (CCEA) and its stakeholders. I want to thank you again for that opportunity to engage you and your staff.

Since then, CCEA and our consultant firm Dudek have reached out to nine non-profit institutions within our District to understand and document their impressions of the draft DTLA2040 plan. We have assembled their input for your review and use in the attached document, "Voices of Central City East."

While this document serves as a response to DTLA2040's planning approach, it deliberately goes beyond. We intend that it serve as the platform for all future discussions regarding the citywide role and identity that has been assigned to our District

In "Voices," you will read that DTLA 2040's blanket application of income-determined housing policy in Central City East ranks as our highest priority. While the intention is to expand housing affordability – a position we wholeheartedly support – the outcome is essentially segregation by income and a continuation of the 1970's policy of containment. It is our consensus opinion that containment must be actively reversed. Unfortunately, the current draft plan reinforces it.

To underscore our position, we have strived to provide you with a broad spectrum of voices that represent non-profit service providers and affordable housing developers in our District. We encourage you to consider their direct experiences providing services in CCE and Skid Row, and the challenges they face in fulfilling their missions.

This report is our official response to the Draft Plan for the current comment period. I have urged our stakeholders to provide independent comments on their own, as well.

Please reach out to me if you have any questions or comments regarding our report.

Sincerely,

A handwritten signature in black ink that reads "Estela Lopez". The script is fluid and cursive, with the first letters of each name being capitalized and prominent.

Estela Lopez  
Executive Director

CC: Shana Bonstin, Craig Weber, Brittany Arceneaux



# THE VOICES OF CENTRAL CITY EAST

## *IDEAS & IDEALS FOR OUR NEIGHBORHOOD*

A response to the Los Angeles Department of City Planning's DTLA 2040 draft plans by the Central City East Association – informed by conversations with non-profit organizations and service providers in Central City East.



**OCTOBER 16, 2020**





— CCEA Boundary  
Image Source: Google Earth.



# ACKNOWLEDGMENTS



The Central City East Association (CCEA) is a 501(c)(6) not-for-profit business corporation. It is the principal advocate for property owners, businesses, service providers, employees, and residents on 46 blocks of Downtown Los Angeles, spanning the area from San Pedro Street to Alameda Street, and 3rd Street to 8th Street/Olympic Blvd. Since 1998, CCEA has also administered the Downtown Industrial Business Improvement District.

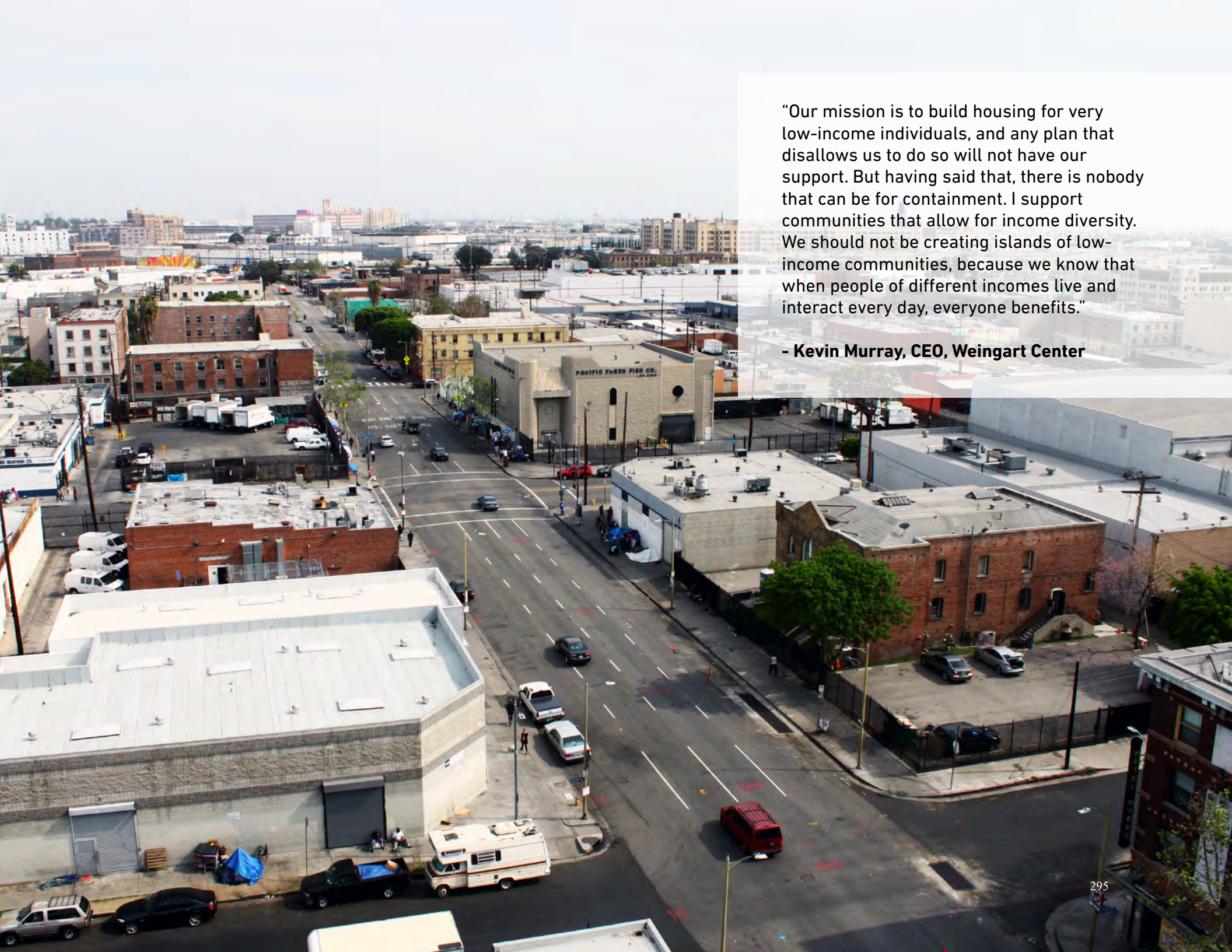
The Central City East Association thanks the following stakeholders for their participation and input.



All photographs and graphics were provided by CCEA or Dudek unless otherwise noted.

*For more information, contact:*

**Estela Lopez**, Executive Director, Central City East Association  
725 Crocker Street, Los Angeles, CA 90021  
[elopez@centralcityeast.org](mailto:elopez@centralcityeast.org)

An aerial photograph of a city street intersection. The street is wide with multiple lanes and white lane markings. Several vehicles are visible, including a white van, a red van, and a black car. The surrounding area is filled with various buildings, including a large white building in the foreground, a brick building on the right, and a building with a sign that reads "PACIFIC FRESH FISH CO." in the center. The background shows a dense urban landscape with many more buildings and a hazy sky.

“Our mission is to build housing for very low-income individuals, and any plan that disallows us to do so will not have our support. But having said that, there is nobody that can be for containment. I support communities that allow for income diversity. We should not be creating islands of low-income communities, because we know that when people of different incomes live and interact every day, everyone benefits.”

- Kevin Murray, CEO, Weingart Center



# EXECUTIVE SUMMARY

The Central City East Association (CCEA) represents the stakeholders of a 46-block industrial district in the heart of Downtown Los Angeles. Since 2015, CCEA has engaged the Los Angeles Department of City Planning in providing input to the ongoing DTLA 2040 Community Plan Update. Via this document CCEA is responding to the latest DTLA 2040 draft plan circulated in August 2020.

The ideas and principles included here have been informed by a coalition of nine non-profit institutions operating in Central City East. Their perspective, we believe, will provide you guidance in planning for the future of our neighborhood. However, our input is not limited to Central City East nor so to DTLA. The planning challenges that intersect here are a manifestation of citywide policy. We are therefore deliberately weighing in on citywide issues – specifically the City’s uneven housing policy, which has subjected neighborhoods like ours to a host of planning oddities and follies.

We want to stress that DTLA 2040’s housing policy toward Central City East ranks as our highest priority. The draft plan’s current approach to the 15 blocks that make up the heart of our neighborhood (between San Pedro and Central, and between 5th and 7th) allows future residential development but would limit future residents based on income.

While the intention is to expand housing affordability – a position we wholeheartedly

support, the outcome is essentially segregation by income and a continuation of the City’s failed policy of Containment. It is our consensus opinion that Containment must be actively reversed. The current draft plan reinforces it.

Our overarching goal for Central City East is that it retain and strengthen its industrial-residential identity. DTLA 2040 should not preclude future industrial and commercial uses and should allow for housing of all types and all incomes. The latter is important in setting us on a path away from intentional, permanent poverty. Given the nature of our affordable housing stock we know that the threat of displacement does not hover over our residents. Additionally, we are suggesting that the plan anticipate transit along Alameda Street and introduce transit-supportive uses and densities within the 5-minute walk of station locations.

We support many suggested elements of the draft plan. Specifically, we are in favor of the Downtown-wide expansion of housing, the elimination of parking minimums, and the formalization of traditionally industrial districts as complete neighborhoods.

We thank you for the opportunity to provide input and encourage you to pursue policies that actively reverse past actions and help us become a complete neighborhood.

“Skid Row Housing Trust has been dedicating housing solutions for 30 years and is committed for the next 30. Because of this experience, we know how important it is to pursue balanced communities of all income levels. This approach is critical in Skid Row and across all of Los Angeles. Holistically and together, we have an opportunity to do things the right way, to improve living standards in our community while being an example for those like ours across the nation moving forward.”

**- Lee Raagas, CEO, Skid Row Housing Trust**





# 2

## PARTNERING FOR A BETTER FUTURE

Since 1985, the Central City East Association (CCEA) has represented and served the businesses, residents, workers, property owners, and service providers of a 46-block industrial district in the heart of Downtown Los Angeles. Our neighborhood is adjacent to and overlaps Skid Row, known to the rest of the city and the world as “the nation’s largest cluster of homelessness”.

Our identity, to us, is different. We live and work here. Some members of CCEA produce things, sell goods, and store merchandise. Others provide health and educational services. Yet others endeavor every day to bring our unsheltered neighbors off the street and make our city a better, more compassionate version of itself. We know that no other neighborhood in this city is expected to play the role that has been assigned to ours.

But we do not shirk our role. We treasure our service providers. They are our community’s anchors and make us who we are. It has been this way for a century and will assuredly be so for another. However, we do worry about the uneven expectations the City places on its neighborhoods citywide. Some, like ours, play an outsized role in accommodating and supporting our impoverished and unsheltered community members. As you are

well aware, most do not. We have ideas and we would like you to hear what we have to say.

City planning is an atypical policy arena for us to enter. But we know that we are all occupants of our physical environment. We are neighbors, workers, and residents. Our lived reality and understanding of our neighborhood shapes our work. How our neighborhood evolves and changes in the coming decades will influence our members’ missions and their ability to carry it out.

Via this document we are providing a vetted and considered set of suggestions for the future of our neighborhood and we thank you for the opportunity to do so. We are specifically responding to the Department of City Planning’s DTLA 2040 draft plan circulated in August 2020 (although some maps that we refer to were released in October 2019).

Our input is not limited to the geographic extents of Central City East (CCE) nor so to that of DTLA. The planning challenges that intersect in our district are a manifestation of citywide policy. We are therefore deliberately weighing in on regional and citywide issues.

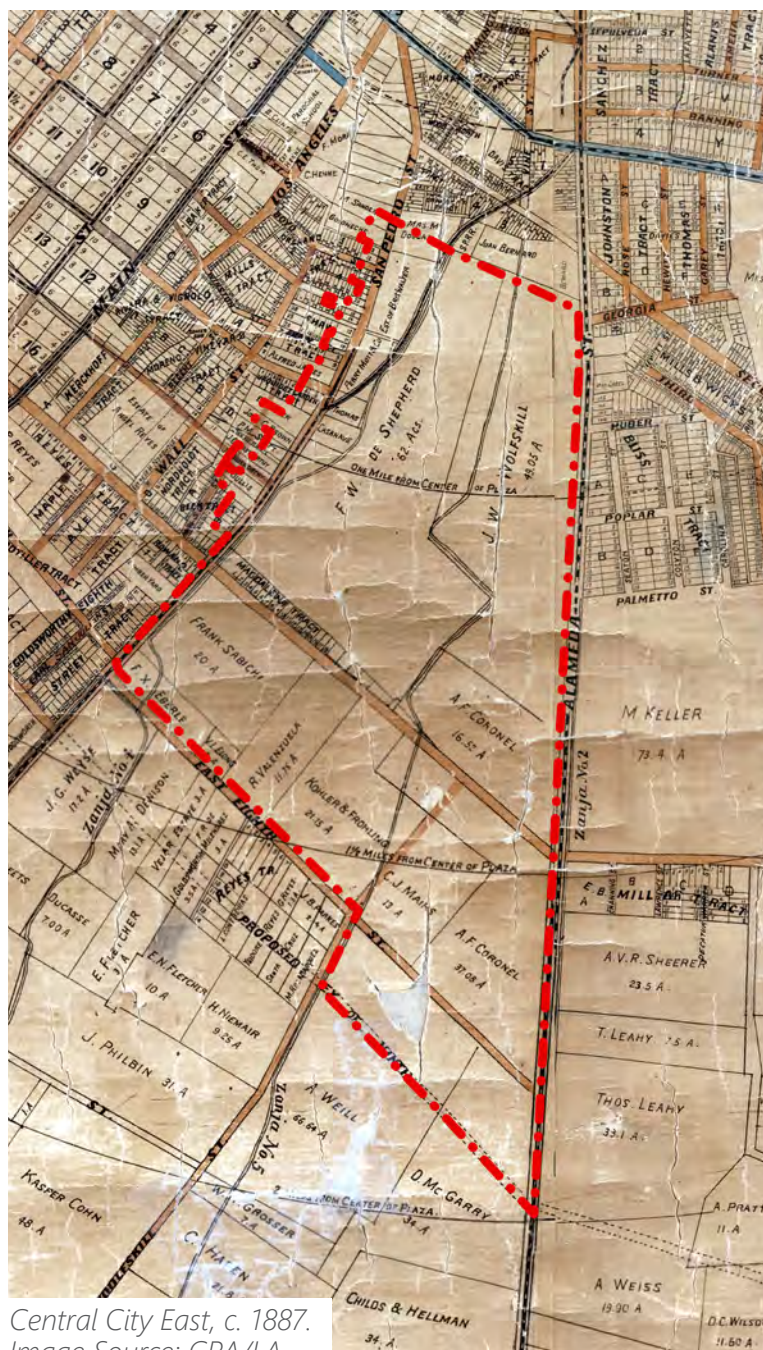


The stakeholders who have contributed their voices to this document represent a coalition of long-standing service providers and non-profit institutions. For decades, this coalition has spearheaded the region's efforts to support our unsheltered community members. Their collective experience and knowledge, we hope, will provide you a thoughtful perspective in how you plan activities and uses in Central City East and how you define our neighborhood's role and identity.

We support your efforts and are hopeful that DTLA 2040 charts a new path toward a more equitable, compassionate, and livable vision for our city.

## How did we get here?

Skid Row and Central City East of today are not an accidental occurrence or happenstance assemblage of activities. The district can trace twin threads to its origin story. First, it is a direct result of its location. It lay adjacent to the now-demolished Central Station, Los Angeles' port of arrival for thousands of transcontinental immigrants arriving by rail. Many were impoverished and down on their luck and made use of the scores of cheap hotels that cropped up to serve them. Some of these hotels still survive and now serve as the City's most stable and protected affordable housing stock. Second, in the 1970s, the city instituted a policy of Containment that emerged from an unlikely coalition of Downtown boosters, citywide NIMBYs, and affordable housing advocates. This policy sought to contain homeless services and homeless Angelenos in the Skid Row area to shield the rest of Downtown and the city from "the horror" of



Central City East, c. 1887.  
Image Source: CRA/LA.



encountering their unsheltered neighbors on the streets.

Containment has done more to shape our district and its regional identity than any other policy. It is also, we believe, the single biggest planning folly of the City of Los Angeles. We explain and expand why in this document.

## Central City East: A Compressed History

### *Pre-1900*

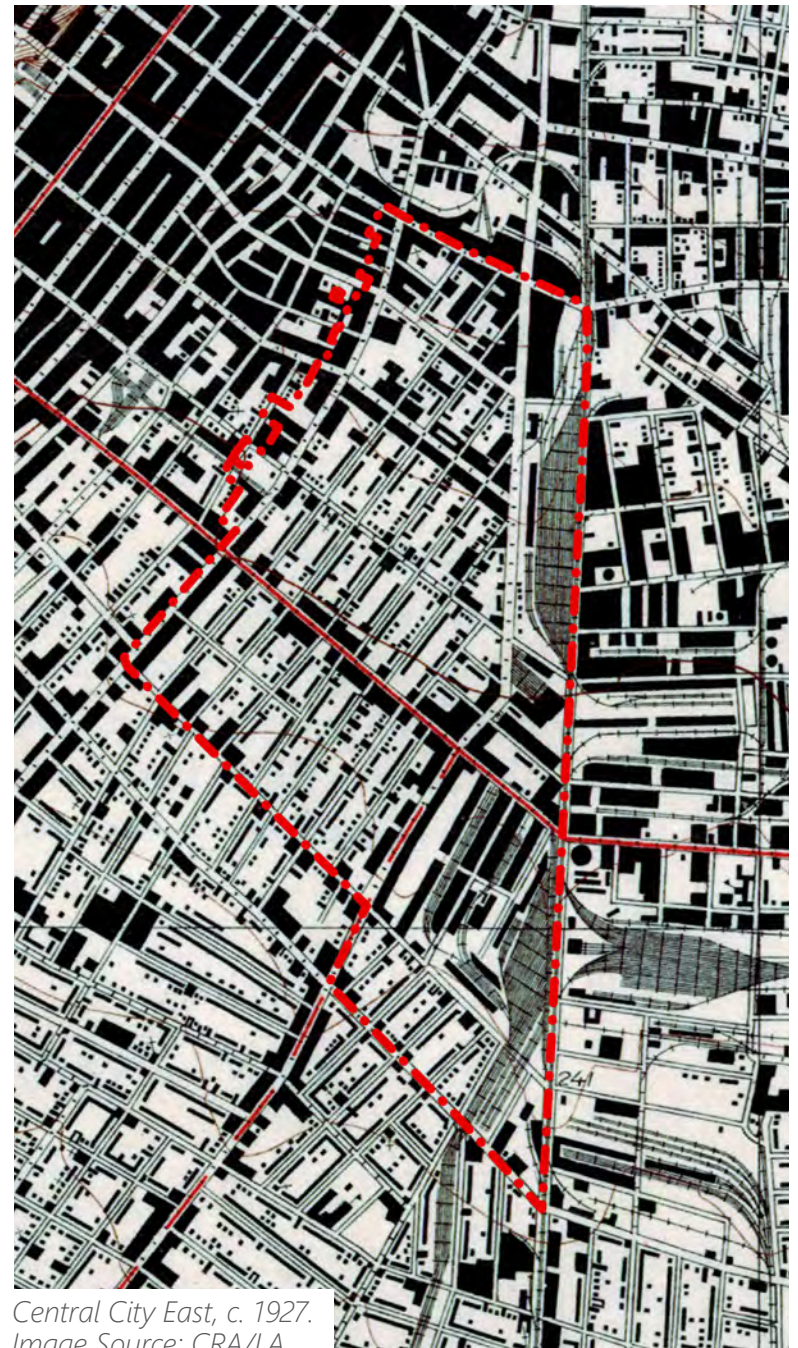
Prior to the 20th century, the areas east of San Pedro Avenue – the future location of our neighborhood – were largely undeveloped, consisting of agricultural fields, vineyards, and orchards.<sup>1</sup>

### *1914*

The opening of Southern Pacific Railroad's Central Station in 1914 was by far the most significant milestone in our neighborhood's growth<sup>2</sup>. Located at 5th and Central, the station became the main port of arrival for thousands of transcontinental immigrants arriving by rail. To serve them, our neighborhood provided hotels, flophouses, brothels, saloons, missions, and soup kitchens<sup>3</sup>.

### *1921*

The City of Los Angeles rezoned the eastern half of Downtown for industrial uses in 1921. As a result, much of the existing housing stock that had long existed in the district could now give way to new industrial activity.



Central City East, c. 1927.  
Image Source: CRA/LA.

## 1920s to 1960s

The Great Depression, the Dust Bowl, and the wars that followed (World War II, Korean War, and Vietnam War) forced the displacement and migration of many farmers, workers, war veterans, and transients in search of jobs and a better life in Los Angeles. Given the proximity of rail and the clustering of cheap housing and social services, many settled in the district<sup>4</sup>. Central Station was demolished in 1956, ending a chapter of our neighborhood's origin story.

## 1960s

Many hotels were falling into disrepair, forcing owners to either repair or demolish their properties to maintain compliance with the City's building and safety codes. Many opted for demolition, resulting in the loss of much of the district's housing stock and displacement of a significant portion of the population<sup>5</sup>.

## 1972 and 1976

In 1972, the City of Los Angeles and the Community Redevelopment Authority (CRA/LA) authored the Silver Book Plan – a 20-year vision of DTLA that called for the razing of Skid Row and its affordable housing stock. In response, in 1976, affordable housing activists put forth their own plan, the Blue Book, which aimed to save housing in Skid Row. A coalition of Downtown boosters, citywide NIMBYs, and affordable housing advocates settled on a compromise – the policy of Containment. It saved the neighborhood's housing stock, but also created a 50-block zone to contain the homeless<sup>6</sup>.



Central Station, c. 1950s.  
Image Source: USC Digital Collection.



Wall Street. c. 1932.  
Image Source: California Historical Society.



Volunteers of America, c. 1950.  
Image Source: Los Angeles Public Library.



## Post-1976

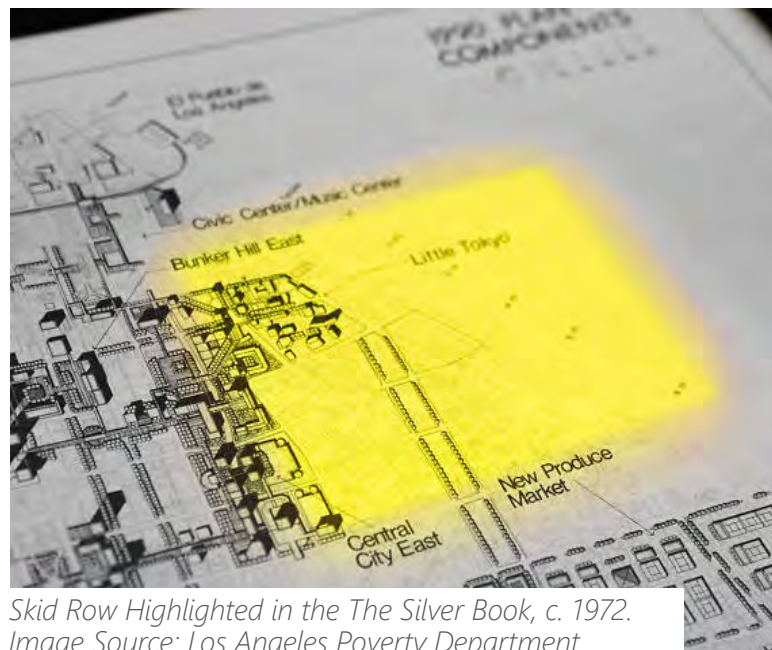
With Containment firmly in place as a guiding policy, CRA/LA formed the Single Room Occupancy (SRO) Housing Corporation to acquire and rehabilitate the hotels in the district. Service providers relocated within the Containment zone and expanded their services. Areas outside the zone were now shielded from their fellow Angelenos, who happened to not have a home to live in<sup>7</sup>. In 2016, Los Angeles City Council adopted a motion to formally reverse the policy of Containment, forty years after it established the framework for shaping our neighborhood.

Today, Central City East is an industrial-residential neighborhood, shaped by an odd intersection of compromises and policies. It is a dual-use district – accommodating either industrial activity or 100% affordable housing with no intervening uses to provide it the amenities that other neighborhoods attract (and are allowed by policy).

We are the city's largest cluster of seafood, produce, and flower businesses. We are also the city's largest cluster of homeless service providers, shelters, missions, and affordable housing stock. To be clear, we embrace this, all of it. But we also know that the City's existing – and proposed – policies are holding us back from becoming a more complete neighborhood.

## We continue to build on past efforts

We want to acknowledge our years-long engagement with the Department of City Planning. We are in the sixth year and appreciate the numerous opportunities to provide input. In 2015,



Skid Row Highlighted in the *The Silver Book*, c. 1972.  
Image Source: Los Angeles Poverty Department.

## Pain, Poverty Along Skid Row

Redevelopment will proceed to deal with the Row where it is, recognizing both the physical place and the people who live there, attempting to improve those lives even while improving buildings.

The new plan also has an element of containment. "The most practical approach," says the Citizens Advisory Committee report, "indicates action that will minimize the impact of Skid Row on the rest of downtown."

In plainer terms, that suggests keeping the residents in their place. New services and amenities will be installed on the east side of the Row, away from the Central Business District and toward a more insulated community.

*Los Angeles Times* Article. December 19, 1977.  
Image Source: *Los Angeles Times*.

CCEA volunteered to supplement the Department of City Planning's outreach efforts by engaging stakeholders in our neighborhood and assembling their input. Then and now, our goal has been to provide you with first-hand insights into the everyday issues and institutional knowledge of our stakeholders.

During our latest round of stakeholder outreach, conducted in the summer of 2020, we have strived to engage with the same non-profit partners as we did in 2015. Our intention has been to validate, confirm, and update the input previously received.

In this document you will read that our overarching position is to actively reverse the policy of Containment, which applied to no other neighborhood in the City but ours.

Containment has shaped our community, the daily lives of our residents and workers, and the operations of our non-profit partners in ways that none other have been. We are here to help you rethink it. Again, we thank you for all your work.

### **Central City East Association**

Recommendations informed by conversations with our neighbors:

Inner-City Arts  
Para Los Niños  
Skid Row Housing Trust  
SRO Housing Corporation  
The Midnight Mission  
The People Concern  
Union Rescue Mission  
Volunteers of America  
Weingart Center



Central City East, 2020.  
Image Source: Google Earth.



# 3

## PRINCIPLES FOR A BETTER DOWNTOWN, A BETTER CITY

Over the course of two months, in the summer of 2020, CCEA met individually with nine non-profit institutions in our neighborhood. The missions of these stakeholders vary. Some endeavor to bring our unsheltered neighbors off the street by providing temporary accommodation, developing permanent supportive housing, and offering mental health services. Others are involved in expanding education, art, and creative opportunities. Whether they have had a presence of 100 years or ten in the District, each is a pillar of our community. We believe their institutional memory and understanding of our neighborhood will serve as a valuable input as you continue refining the draft DTLA 2040 plan.

During these conversations, several themes emerged. We have organized these as our planning principles on the following pages to help you rethink and reshape the plan. As you review these, we would like to note that the single most significant issue that came up in our conversations was the current plan's housing approach to the 15 blocks that make up the heart of our district (between San Pedro and Central, and between 5th and 7th). Here, as you know, your August 2020 draft plan proposes a policy that would allow residential development but would limit future residents based on income.

Since providing you our input after the first outreach exercise in 2015, our stakeholders were hopeful that the City would use DTLA 2040 as the vehicle to undo the City's policy of Containment and allow Central City East to evolve into a neighborhood with a mix of uses, residents, incomes, and generations. Unfortunately, it appears to instead double down on Containment and proposes residential uses based solely on the principle that the neighborhood's only future role is to receive, house, and provide services for our most impoverished fellow citizens.

But we know Containment did not work. Far from solving homelessness for thousands of our unsheltered neighbors, it allowed the rest of the city to turn its back on them, utilizing a flawed and oft-used argument that the homeless belong in Skid Row and Central City East and nowhere else.

# Principle I: Dismantle the City's Policy of Containment

Los Angeles' policy of Containment, instituted in the 1970's, is our city's defining planning folly. While notionally set aside via a City Council motion in 2016, it has for nearly 50 years served as the structural framework for how our neighborhood is perceived and operates. We urge you to employ DTLA 2040 as the means to, once and for all, dismantle, reverse, and undo this destructive anachronism – via actionable policies that go beyond words. For far too long, Containment has concentrated and confined our region's most vulnerable populations to some 50 blocks in the heart of Downtown (to "shield the rest of Downtown and the City" from the impacts of the homelessness).

DTLA 2040, however, singles out, yet again, our neighborhood to disproportionately serve the region's needs. The plan's IX1 Use District (applicable approximately on 15 blocks from 5th to 7th Streets and San Pedro Street to Central Avenue) restricts any new housing to those of the lowest of incomes only. This approach further perpetuates the cycle of designed and concentrated poverty in our community and reinforces Containment. As shown in [Figure 1](#), the IX1 Use District allows for only "Critical Housing for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses.

Market rate housing is not allowed." Nowhere else in Downtown (or the City, as far as we can tell) is a single neighborhood or area purposefully restricted by income.

While your intention is to expand housing affordability – a position we wholeheartedly support, the outcome is essentially segregation by income. We believe that using income as a criteria to create neighborhoods – impoverished or affluent alike – is not good policy with no evidence of success anywhere.

If mixed-income and multi-generational neighborhoods are what the City aspires to everywhere else, why not here? Residents of our neighborhood are deserving of upward economic mobility just as much as residents elsewhere in the City (a case in point: as of July 2020, the draft community plans for the ongoing Westside planning updates show no income-based housing policies). We urge you to be consistent with your own tenets of neighborhood planning that prioritizes diversity of housing typologies for a diversity of populations, from small to big, owned to rented, affordable to market-rate in making "complete communities."<sup>8</sup>

**"The policy of Containment has been an absolute failure. It has neither shielded the rest of Los Angeles from the ravages of homelessness, nor did it create a healthy neighborhood in Skid Row and Central City East."**

**- G. Michael Arnold, President & CEO, Midnight Mission.**

DTLA 2040 calls out the following housing categories in its Housing Map:

- Allow for buildings to have all types of housing, including Affordable, family, live/work, supportive, & market rate. Allow for larger buildings where builders have dedicated space for Community Benefits.
- Allow for live/work housing, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate. Allow for larger buildings where builders have dedicated space for Affordable Housing. As of the August 2020 draft, Hybrid Industrial 1 (1H1) was updated to allow all types of residential unit designs, not just live/work. Allowing a greater mix of uses encourages opportunities for new housing development.*
- Allow for live/work housing, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate. Allow for larger buildings where builders have dedicated space for Affordable Housing.
- Allow for only Critical Housing for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses. Market rate housing is not allowed.
- Allow for live/work housing through reuse of existing buildings, where space is also dedicated to commercial or light industrial job-generating uses. Live/work uses may range from Affordable to market rate.

"The ideal is to have mixed-income, mixed-use, mixed-housing in our neighborhood, so that we have a balanced community, and the ability to create a vision for hope for everyone in our community."

**- Orlando Ward, Executive Director of External Affairs, Volunteers of America, Los Angeles**

**IX1 Use District**

CCEA Boundary

Figure 1. DTLA 2040 Housing Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019.



## Principle 2: No Net Loss of Affordable Housing, No Displacement

The mission of our non-profit partners is to house and support our unsheltered neighbors and fellow citizens. So, while we ask for Containment to be dismantled, we also insist that there be no net loss of affordable housing nor any threat of residential displacement in our community.

Fortunately, the supply of affordable housing in Central City East is stable and protected. Our stock of affordable units is overwhelmingly supplied by institutions whose mission and *raison d'être* is to shelter and provide aid to our most vulnerable populations.

The residents living in these units, given the nature of ownership, will never be threatened by displacement. Obviously, we do not intend for our district to abandon its service mission.

Although existing policies and judicial decisions (e.g., Wiggins Settlement Agreement) help to preserve and protect some of Downtown's invaluable affordable housing, the City should go beyond and mandate that there occur no net loss of affordable housing units throughout Los Angeles, including Downtown.



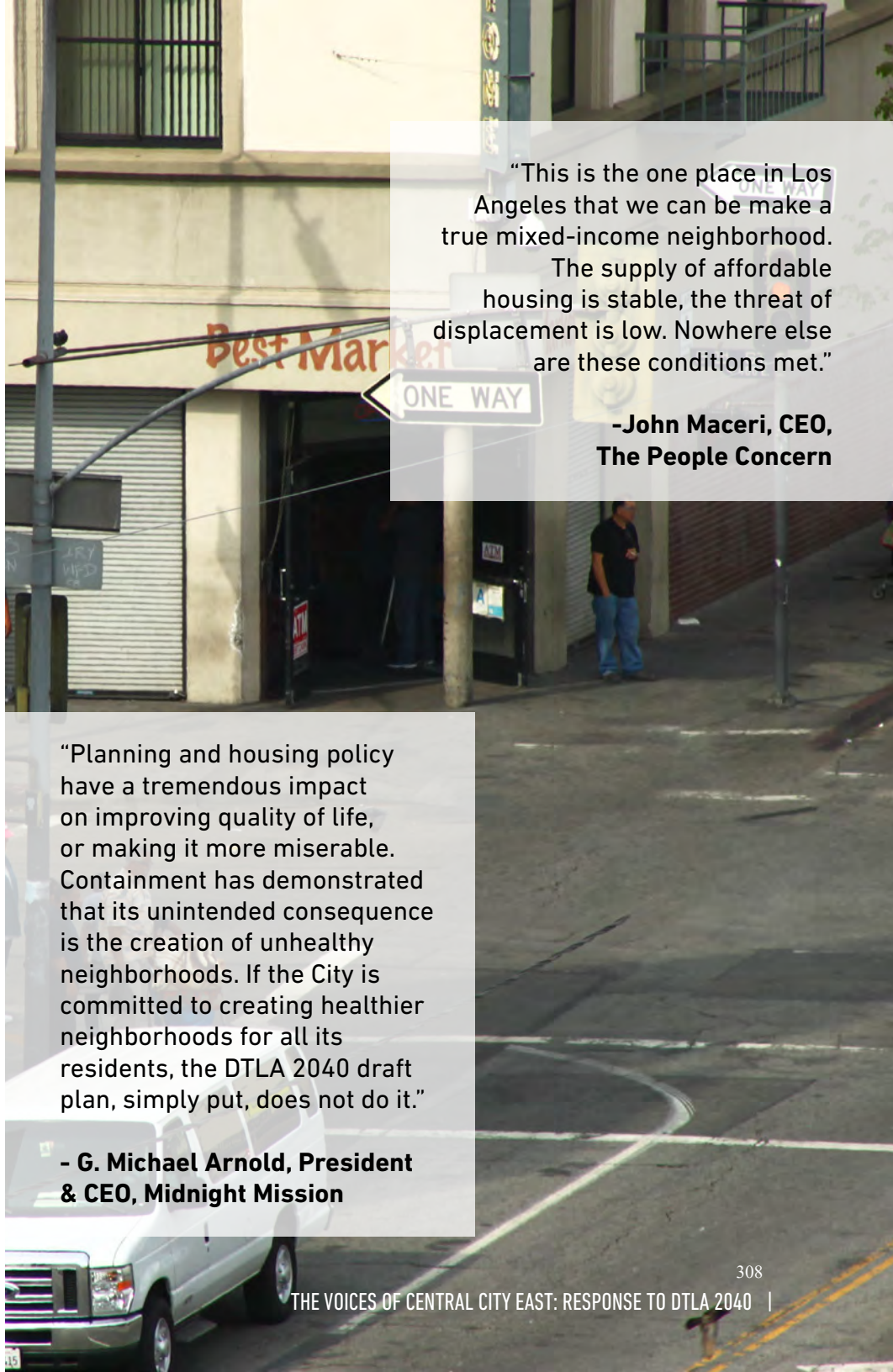
Figure 2. Existing Services and Affordable Housing  
Map Source: CCEA, LA County Office of the Assessor

## Principle 3: Help us become a Complete Neighborhood

While the rest of the City may have a TV-screen impression of the daily reality of Skid Row and Central City East, we know this is a neighborhood – unlike others, but a neighborhood nonetheless. People live here, they work here. However, our unbalanced land use policy (that allows only two uses: industrial activity or income-determined housing), prevents the introduction of amenities, services, and mix of residents that other neighborhoods naturally attract and expect. If the City would like to demonstrate that it really does aspire to mixed-income neighborhoods, it would be prudent to showcase ours.

With a stable and protected affordable housing stock, Central City East presents a rare opportunity to create a mixed-income neighborhood – one that would elsewhere be politically challenging and economically infeasible.

Allow our neighborhood to build a range of housing types and accommodate residents of all incomes and we will demonstrate that mixed-income neighborhoods are feasible, stable, and better.



“This is the one place in Los Angeles that we can be make a true mixed-income neighborhood.

The supply of affordable housing is stable, the threat of displacement is low. Nowhere else are these conditions met.”

**-John Maceri, CEO,  
The People Concern**

“Planning and housing policy have a tremendous impact on improving quality of life, or making it more miserable. Containment has demonstrated that its unintended consequence is the creation of unhealthy neighborhoods. If the City is committed to creating healthier neighborhoods for all its residents, the DTLA 2040 draft plan, simply put, does not do it.”

**- G. Michael Arnold, President  
& CEO, Midnight Mission**



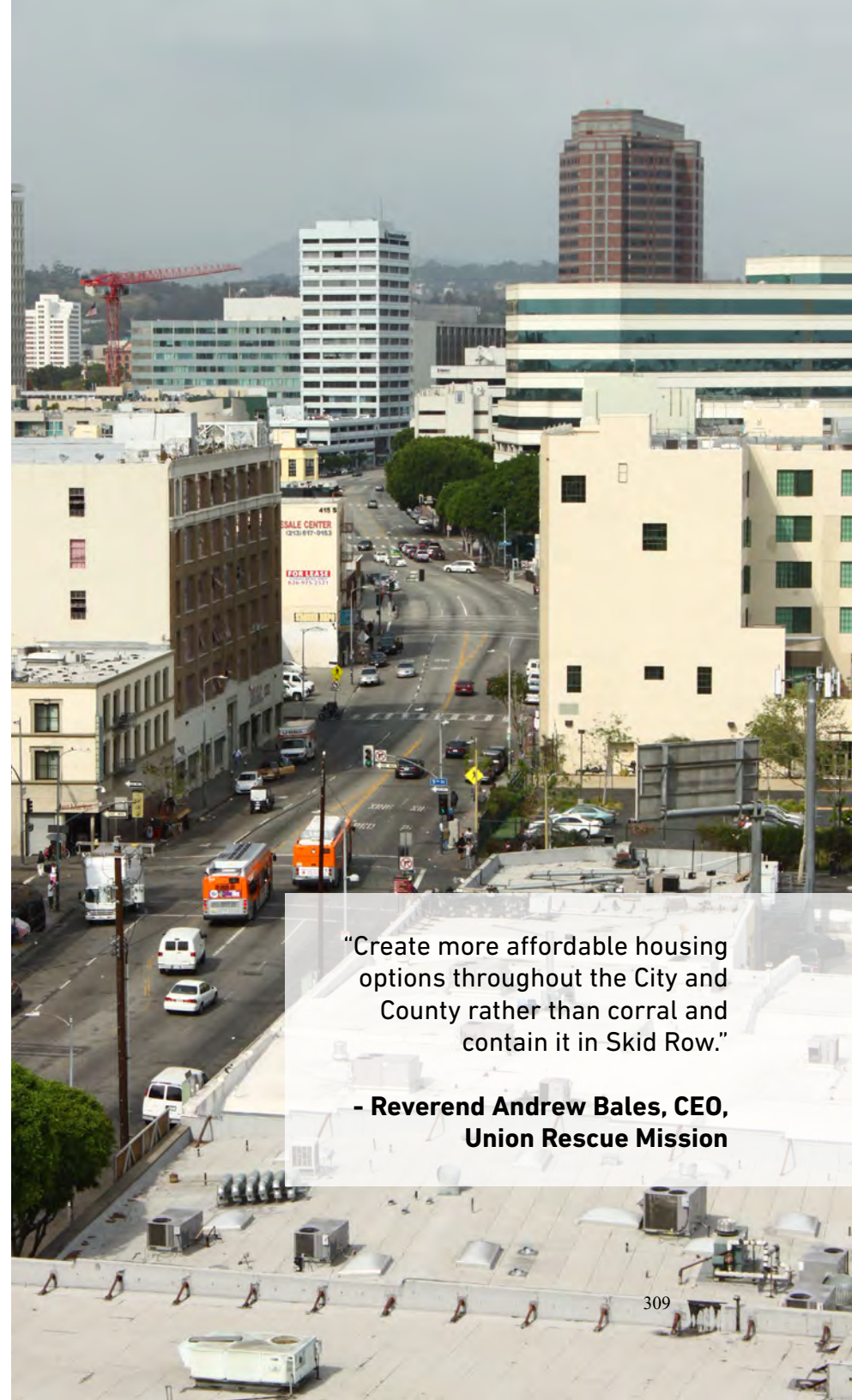
## Principle 4: Make Housing Universally Abundant

Los Angeles is living through a self-inflicted housing crisis. For decades, we have seen the construction of new homes across the city dwindle for the sole reason that residents of affluent neighborhoods have stymied them (to protect their community character, to preserve pastoral sprawl, to prevent a traffic apocalypse, or any number of self-serving anxieties). This manufactured anti-development attitude has made housing unavailable in a city that continues to grow and expand its job base. It has made Los Angeles unaffordable for an entire generation of Angelenos.

We have to do two things. First, we must address the long-term imbalances in our citywide planning framework that suppresses housing production (of all types). We are a city of opportunity; the self-described creative capital of the world. We create new jobs by the thousands, but simultaneously shut out working-class, current and future Angelenos by denying them affordable housing.

Second, we need more affordable housing in the short-term to provide relief to Angelenos facing the threat of displacement and eventually homelessness. We urge you to consider the 50-year evidence we have of the effects of housing scarcity, here and across the largest cities of the nation.

Make it easy for this city to produce more homes citywide, so neighborhoods like ours are not subject to planning oddities like Containment and income-based residential restrictions.



"Create more affordable housing options throughout the City and County rather than corral and contain it in Skid Row."

**- Reverend Andrew Bales, CEO, Union Rescue Mission**

## Principle 5: Address the Real Reason why Housing is so Unaffordable in the City

Like most cities in California, the City of Los Angeles is wrestling with decades-long structural imbalances in its citywide housing policy. If housing affordability is our goal, we must reconsider these policies.

The reason why gentrification, displacement, and housing scarcity is the lived reality of an entire generation of Angelenos is because all new multi-family housing (the housing type that is typically affordable) is allowed only in a quarter or the city's land area.

Because we ban affordable housing in most of our city, neighborhoods like ours are presented with an outsized responsibility for providing affordable housing. But we already account for the largest share of deeply affordable housing in the region.

The arena for all housing policy maneuvers has been corralled within a quarter of Los Angeles' geography. Planners are therefore forced to resort to policy contortions – like the one that DTLA 2040 proposes for our neighborhood – to invent affordable housing out of thin air. But we don't have to set ourselves up for permanent failure.

We need to expand affordable housing citywide, not just along arterial corridors or in Downtown.

"Our priority is expanding the supply of affordable housing across the region, not only in Skid Row."

**- Anita Nelson, CEO,  
SRO Housing Corporation.**

"Inner-City Arts provides students from low-income communities a safe oasis of learning, achievement, and creativity in the heart of Skid Row. Their safety is our priority and responsibility. On a daily basis, it feels more challenging to achieve that here. We need to rethink the future of our neighborhood."

**- George Garcia, Interim Executive  
Director, Inner-City Arts**

*Map Source: Google Earth, 2020.*



## Principle 6: Equitably Distribute Services Region-Wide

Non-profits and service providers in our neighborhood are operating at and beyond their capacity. The continued clustering of their facilities presents major operational challenges and costs that diminish the effectiveness of fulfilling missions.

Further, there is a human cost to requiring our unsheltered citizens from across the region to travel to Skid Row to avail services. It forces them to break their connections to their communities and upends any remnants of stability.

Over the decades we have seen the cumulative disservice clustering and Containment have done to those most in need. To be clear, we are not going anywhere and the need for services are real and should be expanded not cut back. However, they should not be provided in Skid Row and Central City East alone.



"Some of our funding partners prefer that we extract our clients out of DTLA and integrate them into communities across the region. For those who stay, there are negative effects – especially for people in recovery and in transition from traumatic experiences."

**- Orlando Ward, Executive Director of External Affairs, Volunteers of America Los Angeles**

"From an institutional standpoint, clustering our facilities in Skid Row and CCE presents major operational challenges and costs. We pay a premium for what are otherwise regular maintenance and repair jobs. It is very difficult to recruit and retain staff."

**-Anita Nelson, CEO, SRO Housing Corporation**



## Principle 7: Plan for a Better, Kinder Los Angeles

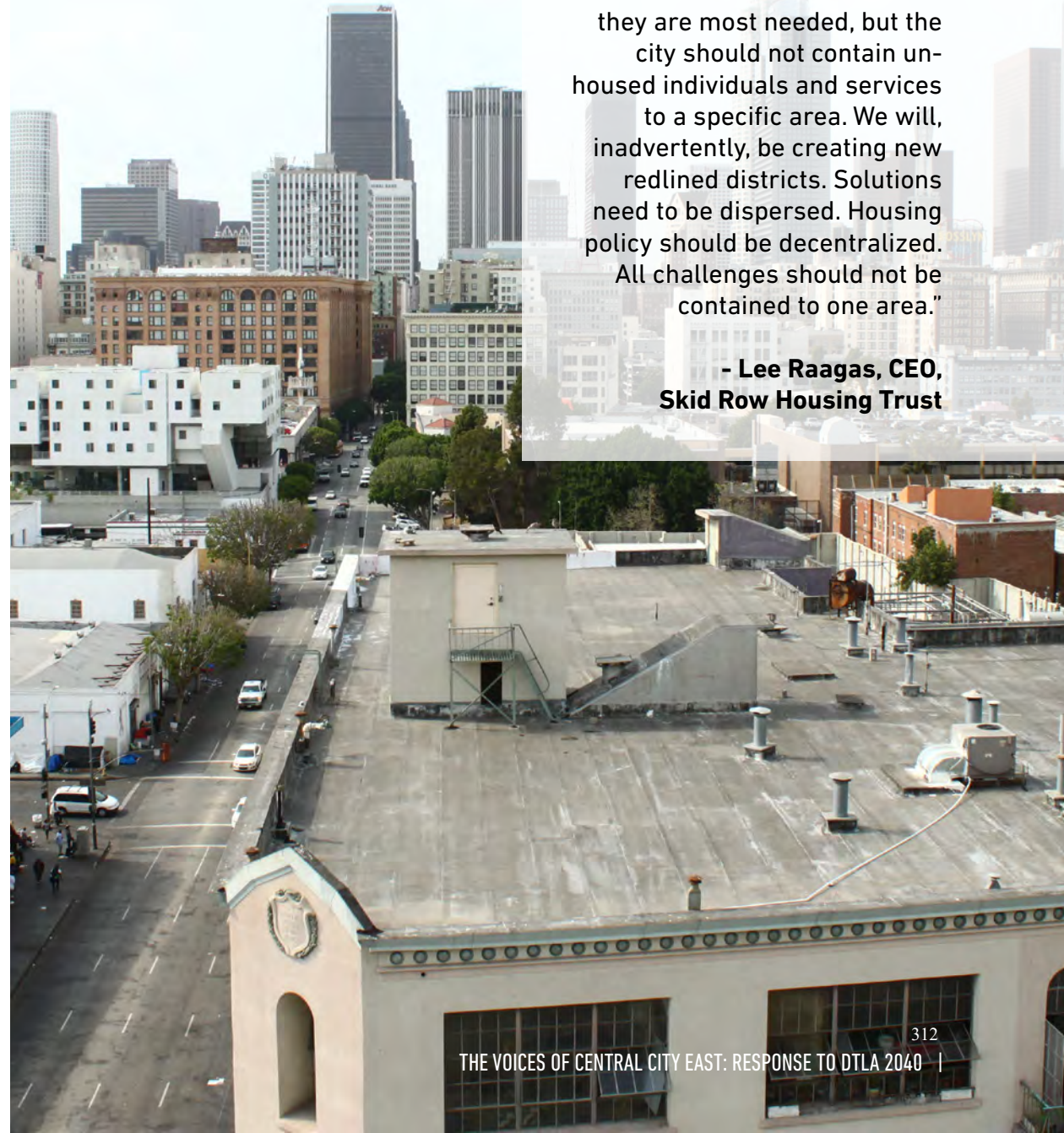
The legacy of 50-years of Containment is twofold. First and most visibly, it has created the city-sanctioned clustering of unsheltered Angelenos on the streets of our neighborhood. Second and less obvious, it has created a permission structure where residents across the city are allowed to tell their un-housed neighbors, “you do not belong here, but in Skid Row.”

This ultimately is the long-lasting effect of Containment. It has allowed policy makers, civic leaders, and ordinary Angelenos to become distant and oblivious to the disastrous consequences of isolating and clustering people by need and income.

Actively reversing Containment – and certainly not reinforcing it by pursuing income-based planning – is a necessary first step to make Los Angeles a kinder and better version of itself.

“We know that there are operational efficiencies when services are clustered to where they are most needed, but the city should not contain un-housed individuals and services to a specific area. We will, inadvertently, be creating new redlined districts. Solutions need to be dispersed. Housing policy should be decentralized. All challenges should not be contained to one area.”

**- Lee Raagas, CEO,  
Skid Row Housing Trust**





## Principle 8: Anticipate and Allow Transit to Shape our Neighborhood

The eastside of Downtown Los Angeles is infamously transit poor. That is likely to change when the West Santa Ana Branch (WSAB) light rail corridor is built along the Alameda corridor. Regardless of the alignment option finally selected, there will be a new station at 7th and Alameda. There is already a station at 1st and Alameda (serving the Regional Connector). The 10-minute walk sheds of both station locations provide access to the eastern areas of our neighborhood.

Transit networks shape cities, but they need supportive land use policies to be effective. We urge you to plan for smart growth in transit-adjacent areas of Central City East by allowing for the clustering of jobs and homes.

Increased densities for both commercial and residential in transit-accessible parcels helps support the transit system with increased ridership, while simultaneously making land-use more efficient and less reliant on automobile access.

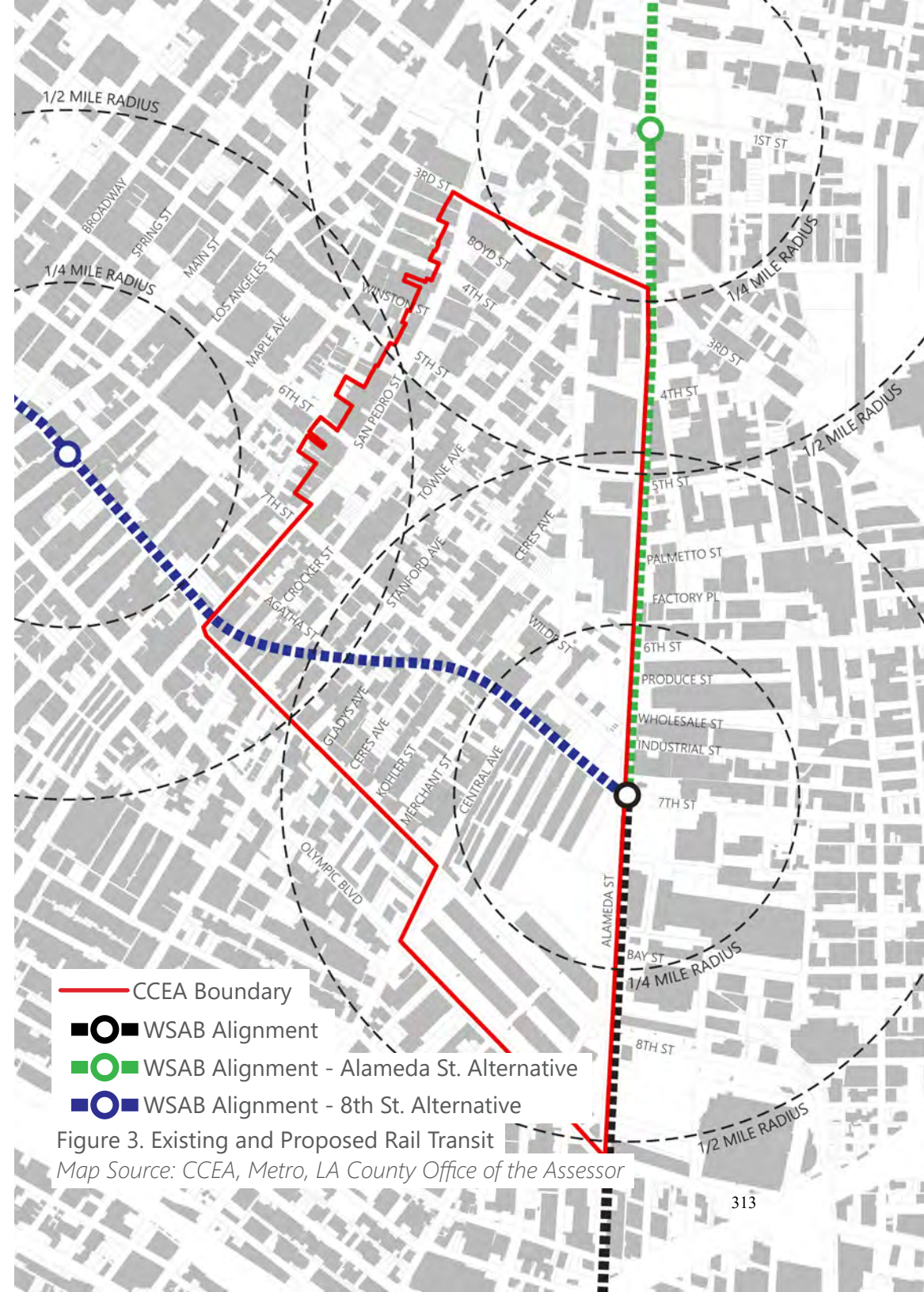


Figure 3. Existing and Proposed Rail Transit  
Map Source: CCEA, Metro, LA County Office of the Assessor

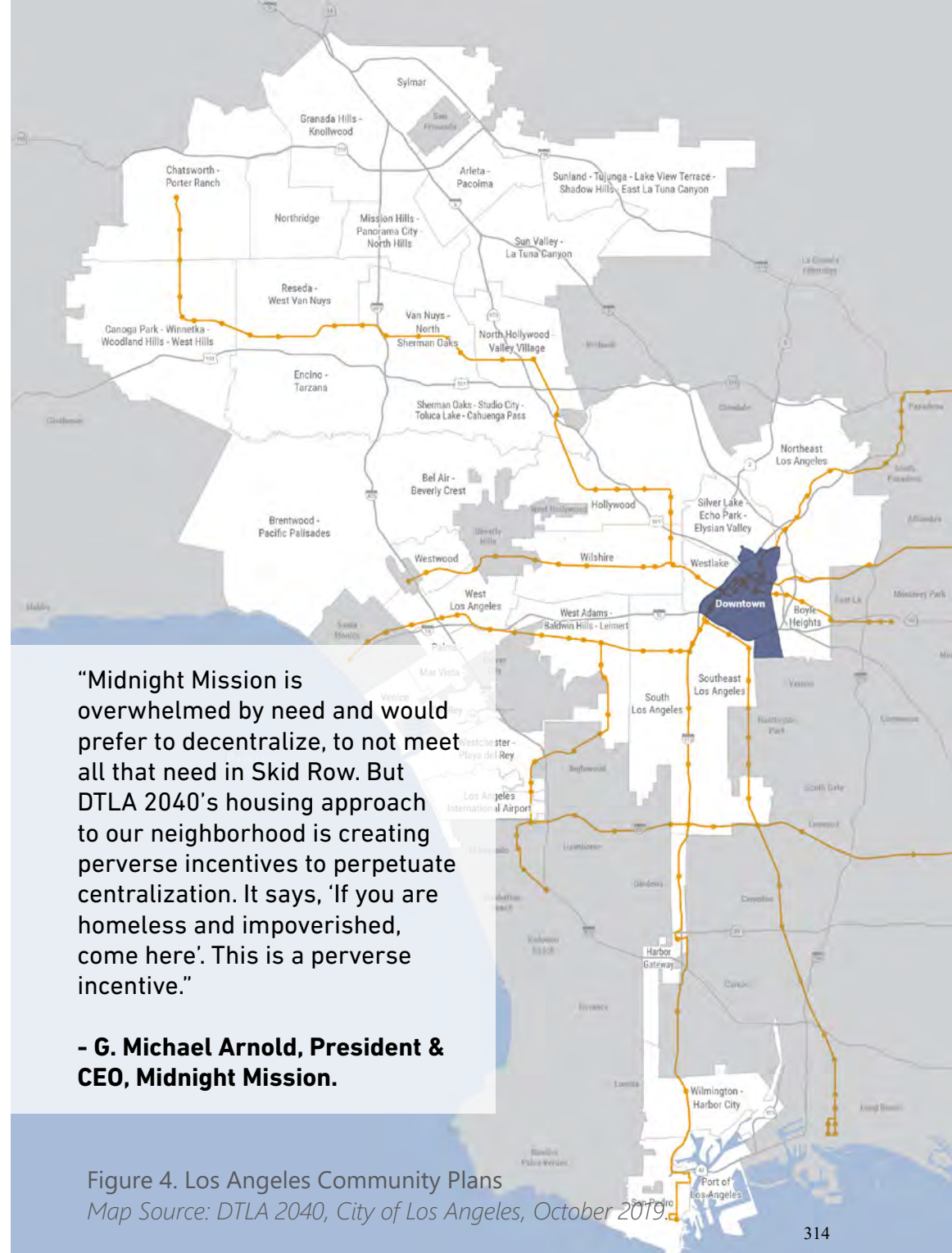
## Principle 9: Do not Compartmentalize Community Plans

Los Angeles is one city with 35 Community Plans. The daunting logistics of a single citywide land use plan update explains the need for multiple Community Plans. However, deference to logistical challenges has unfortunately shaped our planning approaches.

Community Plans do not exist in isolation. They push, pull, bump, and sway each other. Updating DTLA 2040 in isolation guarantees that the role that DTLA had been conceived to originally play will not be questioned.

But our entire position is predicated on the assumption that our neighborhood's citywide role and identity need to be questioned and rewritten. Not doing so has allowed Containment to persist for over 50 years, even decades after everyone acknowledged it was a failed policy.

Our suggestion, separate from the DTLA 2040 process, is to overlay on your regular community plan update schedule a periodic, say 15-year, strategic planning milestone where the city is looked at in its entirety. Community plan boundaries should not constrain citywide thinking that can help shape individual plan updates.



“Midnight Mission is overwhelmed by need and would prefer to decentralize, to not meet all that need in Skid Row. But DTLA 2040’s housing approach to our neighborhood is creating perverse incentives to perpetuate centralization. It says, ‘If you are homeless and impoverished, come here’. This is a perverse incentive.”

**- G. Michael Arnold, President & CEO, Midnight Mission.**

Figure 4. Los Angeles Community Plans

Map Source: DTLA 2040, City of Los Angeles, October 2019.





# 4 | SUGGESTIONS AND RECOMMENDATIONS

## What We Support in the draft version of DTLA 2040

CCEA and the social service leaders we spoke with understand and acknowledge the hard work required to update the Downtown Community Plans and a Citywide Zoning Code. It is no small feat. We applaud City staff and leadership for using DTLA 2040 to make headway on issues of sustainability, equity, and inclusivity. As the plan continues to be refined in the coming months, CCEA would like to recognize and support the following plan elements and ask that they not be diluted or eliminated.

### 1. *Expanded footprint of where housing is permitted in Downtown.*

The draft DTLA 2040 plan shows a much larger area of Downtown where residential uses would be allowed. This approach is consistent with our principle of housing abundance and we strongly support it. Obviously, we hope this approach is applied not just to Downtown but expands to the city's 34 other community plans as well.

### 2. *Elimination of parking minimums.*

Onerous parking minimums have long burdened residential projects by adding cost and reducing

usable density. They have throttled housing production and made the development of scores of, otherwise reasonable, housing projects infeasible. We support the proposed elimination of parking minimums and can clearly envision the improved built form and public realm that will become the new norm in Downtown.

### 3. *Recognition and formalization of traditionally industrial districts as complete neighborhoods.*

While about half of Downtown is currently zoned industrial, there are large swaths of these "industrial districts" that have moved beyond their underlying land use. While we think you can go further (as you will see on the following pages), we do recognize and generally support your approach in transitioning "industrial districts" to complete mixed-activity neighborhoods.

### 4. *Expansion of the XC1 Use District onto parcels south of Little Tokyo.*

Related to #3 above, we would like to call out your planning approach between 4th and 5th Streets in our district. It formalizes a mixed-use trend that has long supplanted the underlying industrial zoning designation. Again, we think the approach can expand geographically, but acknowledge that this is a good start.



## What We Do Not Support in the draft version of DTLA 2040

The suggestions that follow pertain to approaches in your current draft plan that we do not support. It is our goal to provide constructive feedback and we have therefore marked up your plans with specific guidance on how we think they should be revised to better align with the aspirations and ideas of our non-profit partners (as outlined via the principles in the previous section). Please note that we attempted to mimic, to the best of our understanding, your draft plan's color codes. But please refer to the annotations to best understand our suggested revisions.

Additionally, to support your ongoing plan revisions, we have assembled a set of tests that we believe will help us (and you) evaluate whether planning approaches for our neighborhood are consistent with CCEA stakeholder input. A plan that we will support should have a clear “no” as the appropriate response to each of the following questions:

1. *Does the plan reinforce Containment? Specifically, does the plan segregate by income?*
2. *Does the plan disallow Central City East from becoming a mixed-income, multi-generational neighborhood akin to others in the city?*
3. *Does the plan single out CCE with a unique planning approach not applied anywhere else in the city?*







"We need this to be a balanced community, with residents of all levels of income. This will make us smarter, more wholesome, and more compassionate. We need to be lifting aspirations, creating the conditions for people to rebuild their lives."

**- Orlando Ward,  
Executive Director of External Affairs,  
Volunteers of America Los Angeles**



# Housing Approach

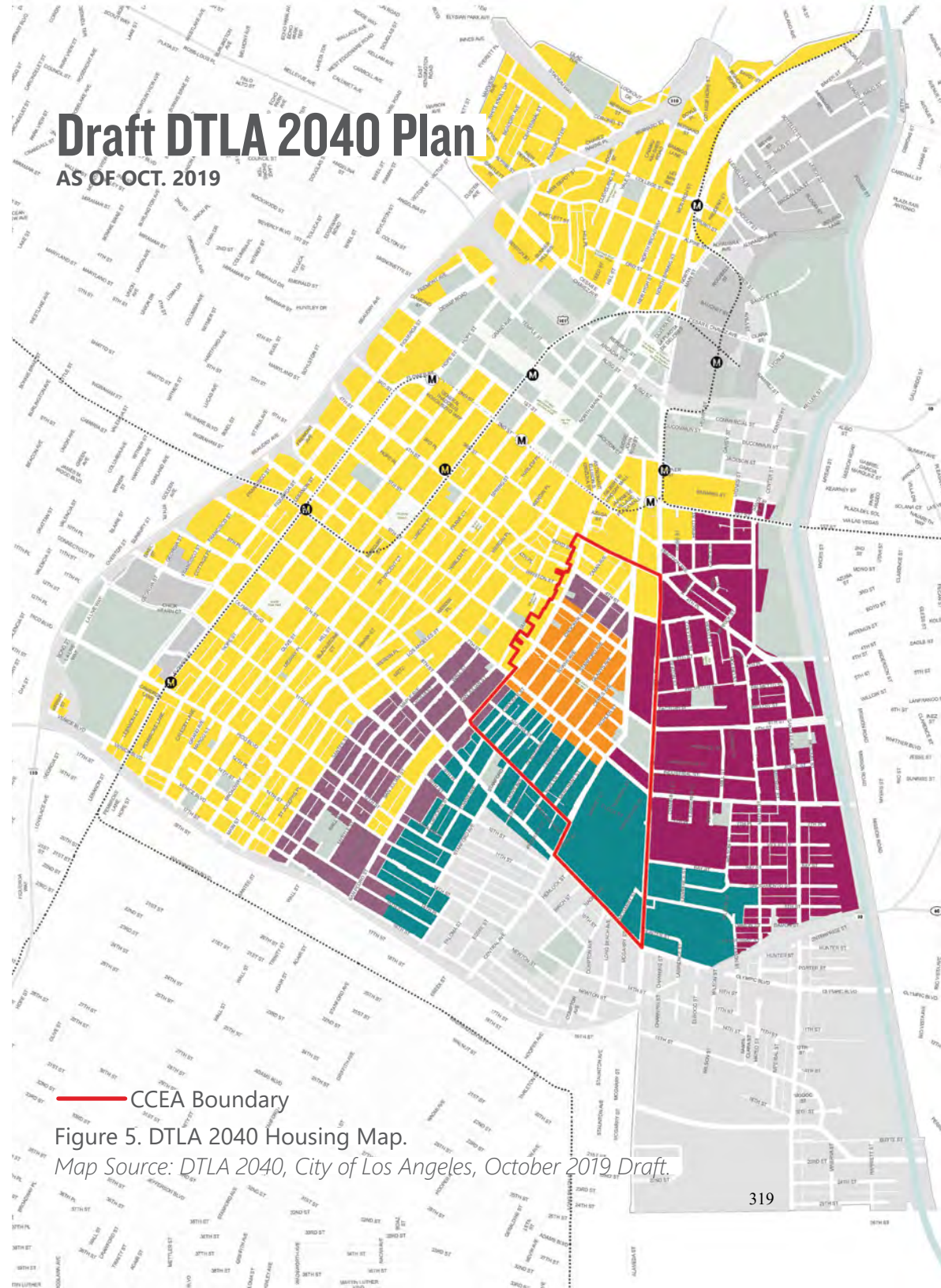
The annotated plans on the facing page provides specific ideas on how we suggest you revise DTLA 2040's housing policy. The underlying intention of these suggestions have a singular focus: that our neighborhood become a mixed-income neighborhood. We want to stress that the plan's housing approach ranks as the highest priority for our stakeholders and emerges from our consensus opinion that Containment must be actively dismantled. However, the current draft plan seems to be reinforcing it (in spite of City Council's 2016 motion that rejected Containment).

## HOUSING TYPES (PER OCT. 2019 DTLA 2040 DRAFT)

-  Allows all housing types.
-  Allows all housing types. *Previously only allowed live/work housing, with commercial or light industrial job-generating uses.*
-  Allows for live/work housing, with commercial or light industrial job-generating uses.
-  Allows housing only for Deeply Low, Extremely Low, Very Low, Low, & Moderate Income households, in addition to supportive housing uses. Market rate housing is not allowed.
-  Allow for live/work housing only through reuse of existing buildings, with commercial or light industrial job-generating uses.

## Draft DTLA 2040 Plan

AS OF OCT. 2019



— CCEA Boundary

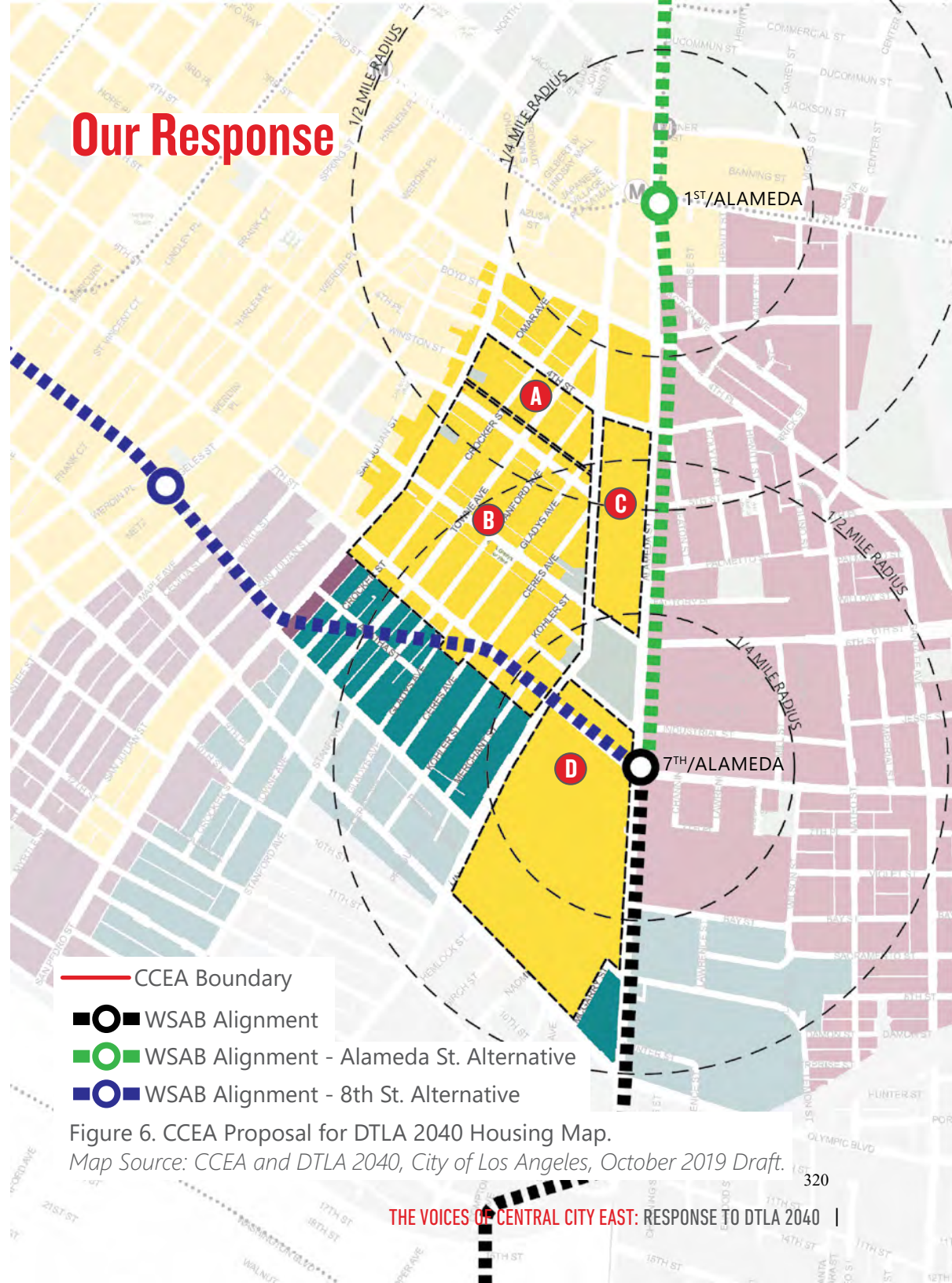
Figure 5. DTLA 2040 Housing Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.



## Our Response

- A ALLOW ALL HOUSING TYPES SOUTH OF LITTLE TOKYO BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> STREETS.** The August 2020 draft partially addressed this suggestion. We recommend to go further and allow all types of housing.
- B ALLOW THE CORE OF CCE TO BECOME A MIXED-INCOME NEIGHBORHOOD.** Allow for all housing types for all levels of income, from affordable to market-rate.
- C TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- D CLUSTER JOBS AND HOMES WITHIN 1/4 AND 1/2 MILE OF TRANSIT STATIONS.** Allow for all housing types on parcels closest to the proposed WSAB station at 7th St. / Alameda St.



- CCEA Boundary
- WSAB Alignment
- WSAB Alignment - Alameda St. Alternative
- WSAB Alignment - 8th St. Alternative

Figure 6. CCEA Proposal for DTLA 2040 Housing Map.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.



# Use Approach

The overall intention of our suggested revisions to the draft land use plan are to allow our neighborhood to retain its industrial-residential identity. The plan should not preclude future industrial and commercial uses from being developed and should allow for future housing (of all types and all incomes). This approach appears to align with the recent updates to the Fashion District's approach. Additionally, we are suggesting that the plan anticipate transit along Alameda and introduce transit-supportive uses and densities within the 5-minute walk of station locations.

## USE DISTRICTS (PER OCT. 2019 DTLA 2040 DRAFT)

### RESIDENTIAL:

RG1  
RN1

### COMMERCIAL MIXED-USE:

XN1  
XC1  
XG1  
XE1

### OPEN SPACE:

OS1

### PUBLIC FACILITIES:

PF1

### INDUSTRIAL MIXED-USE:

IX1  
IX2  
IH1  
IH2

### INDUSTRIAL:

MR1  
MH1

### AGRICULTURE:

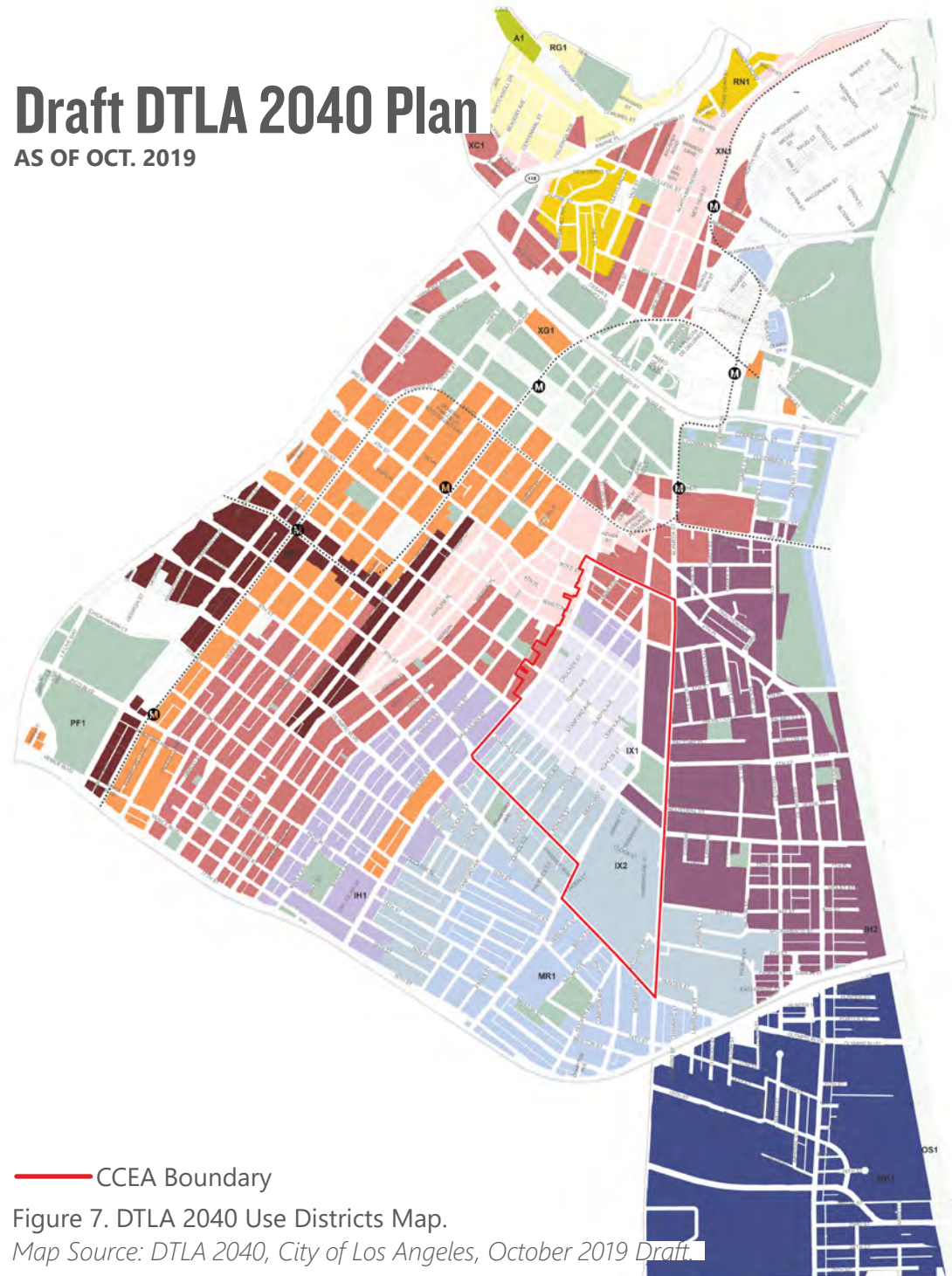
A1

### SPECIFIC PLAN:

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# Draft DTLA 2040 Plan

AS OF OCT. 2019



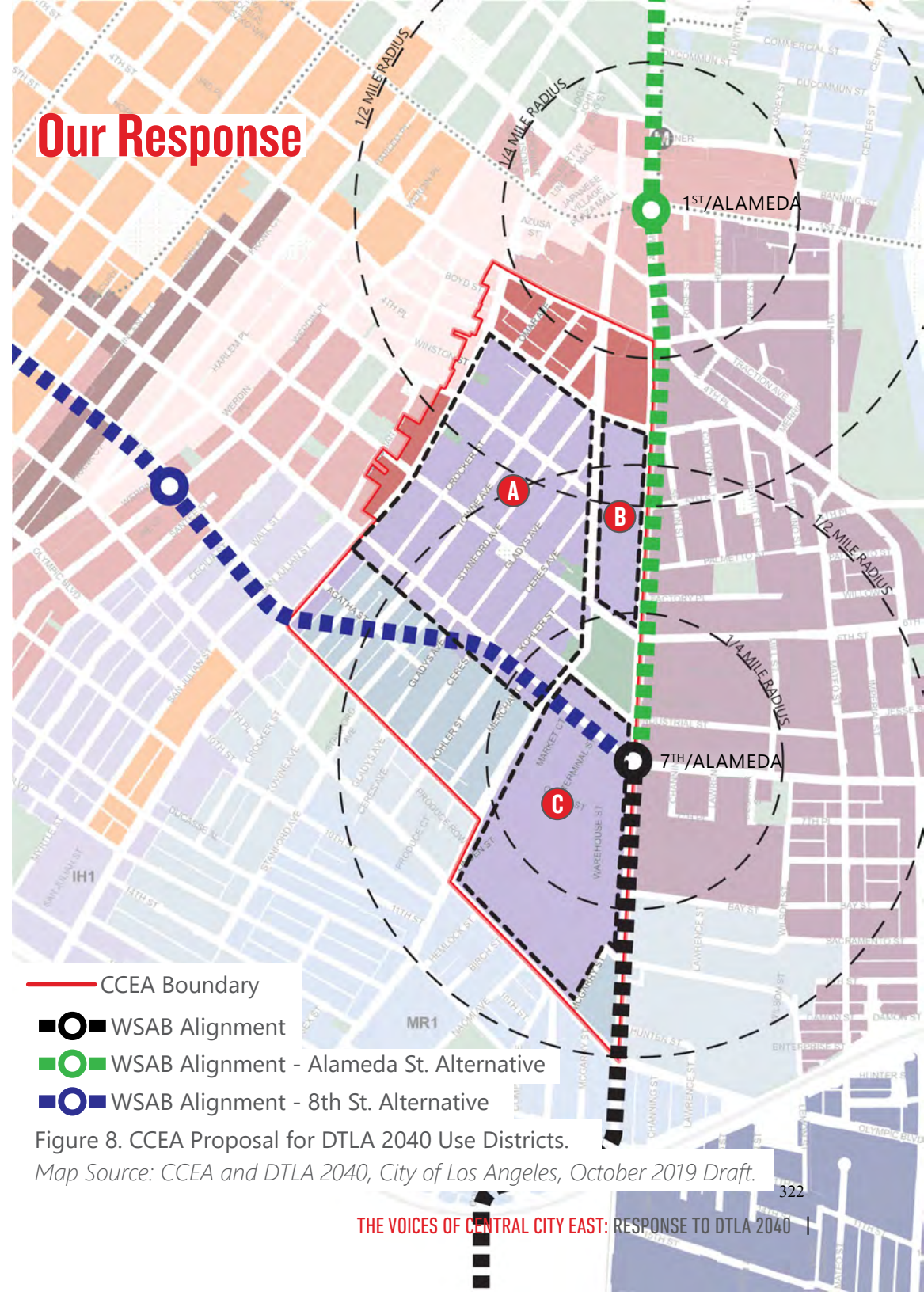
— CCEA Boundary

Figure 7. DTLA 2040 Use Districts Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.

## Our Response

- A ALLOW THE CORE OF CCE TO TRANSITION MORE INTO 'COMPLETE NEIGHBORHOOD.'** Allow for the introduction of amenities, services, and mix of residents that other complete neighborhoods naturally attract and expect. Do not preclude future industrial, commercial, and all kinds of residential uses.
- B TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- C CLUSTER JOBS AND HOMES WITHIN 1/4 AND 1/2 MILE OF TRANSIT STATIONS.** Allow for all housing types on parcels closest to the proposed WSAB station at 7th St. / Alameda St.



- CCEA Boundary
- WSAB Alignment
- WSAB Alignment - Alameda St. Alternative
- WSAB Alignment - 8th St. Alternative

Figure 8. CCEA Proposal for DTLA 2040 Use Districts.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.



# Form Approach

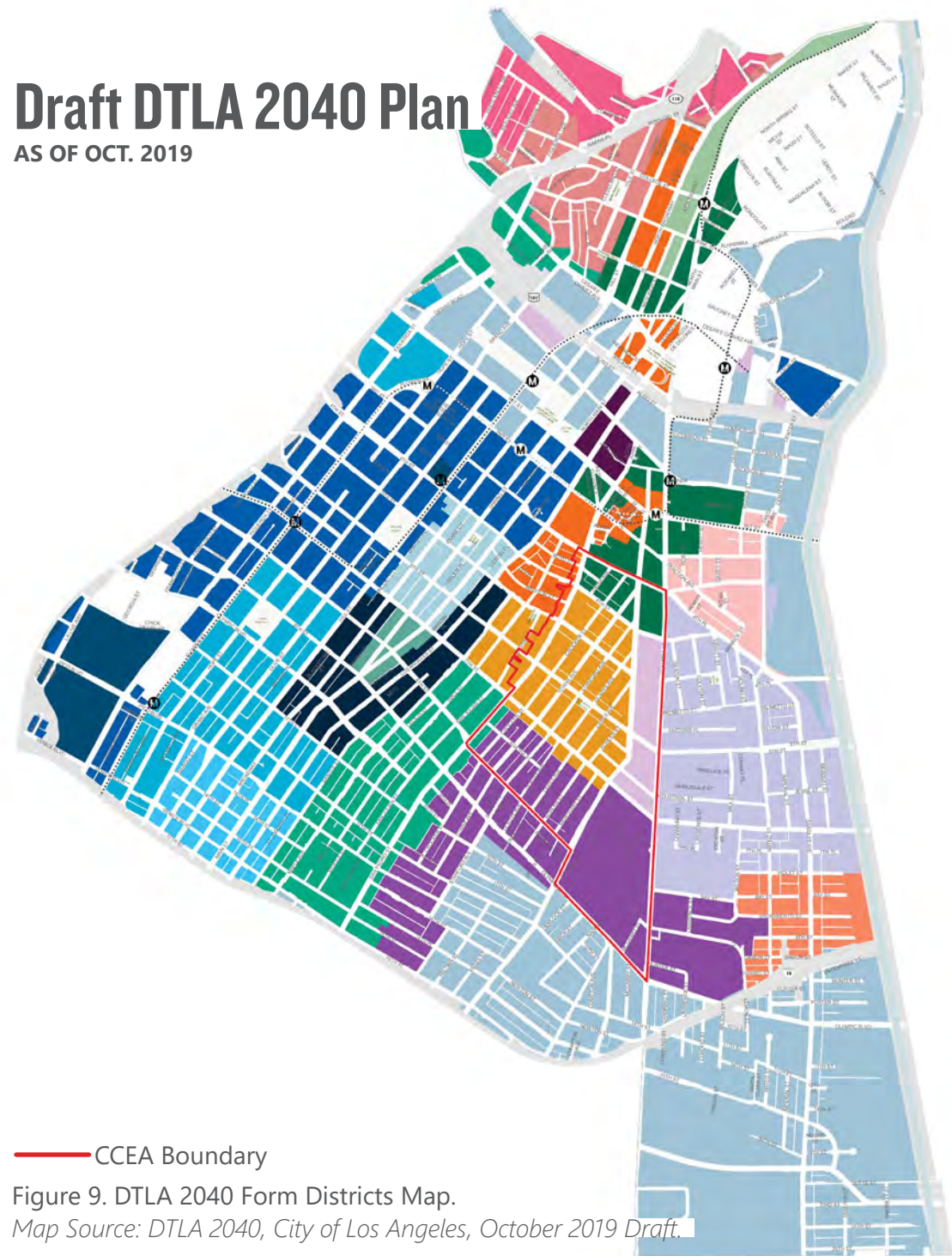
The intentions underlying the suggested revisions to the DTLA 2040's form approach address the corridors of the district. San Pedro is a major north-south corridor for the eastern half of Downtown and should be allowed the height and scale of other significant Downtown corridors that provide a sense of arrival into Downtown. Additionally, we recommend that Central Avenue have uniform use and form approaches on both sides of the street. Finally, 7th Street is Downtown's primary east-west corridor and our suggestion is that it continue to have the most flexible and dense built form for the entirety of its traversal from the 7th/Metro Station to the Arts District.

## FORM DISTRICTS (PER OCT. 2019 DTLA 2040 DRAFT)

| LOW:<br>>1.5-4.0 FAR | MEDIUM:<br>>4.0-6.0 FAR | MEDIUM PLUS:<br>>6.0-8.5 FAR | HIGH:<br>>8.5-13.0 FAR |
|----------------------|-------------------------|------------------------------|------------------------|
| LUF1                 | MLN1                    | PLM1                         | HUB1                   |
| LLN1                 | MLM1                    | PLM2                         | HUB2                   |
| LLM1                 | MLM2                    | PLM3                         | HUB3                   |
| LLM2                 | MUB1                    | PUM1                         | HUB4                   |
|                      | MUB2                    | PUM2                         | HUM1                   |
|                      | MUM1                    |                              |                        |
|                      | MUF1                    |                              |                        |
| OTHER:               |                         |                              |                        |
| Specific Plan        |                         |                              |                        |

# Draft DTLA 2040 Plan

AS OF OCT. 2019



— CCEA Boundary

Figure 9. DTLA 2040 Form Districts Map.

Map Source: DTLA 2040, City of Los Angeles, October 2019 Draft.



## Our Response

- A TREAT SAN PEDRO LIKE THE MAJOR DOWNTOWN CORRIDOR IT IS.** As a gateway to Little Tokyo and the Civic Center, San Pedro should stand out as a significant Downtown corridor. The form and intensity of its edges should promote its importance as the key corridor in the eastern half of Downtown.
- B INCREASE FAR.** To allow for the introduction of amenities, services, and mix of residents of a more complete neighborhood, increase the allowable FAR for the core of CCE.
- C TREAT BOTH SIDES OF CENTRAL AVE EQUALLY.** Development on both sides of the street should be consistent in use, look, and feel. Like San Pedro St., Central Ave. is a major Downtown corridor and should have matching scale and intensity on its east and west edges.
- D TREAT 7<sup>TH</sup> STREET AS A TRANSIT CORRIDOR.** Like 7th St. near the 7th/Metro station, allow for greater FAR within a 1/4 and 1/2 mile radius of the proposed WSAB station at 7th St. & Alameda Ave., similar to the building intensity at ROW DTLA.

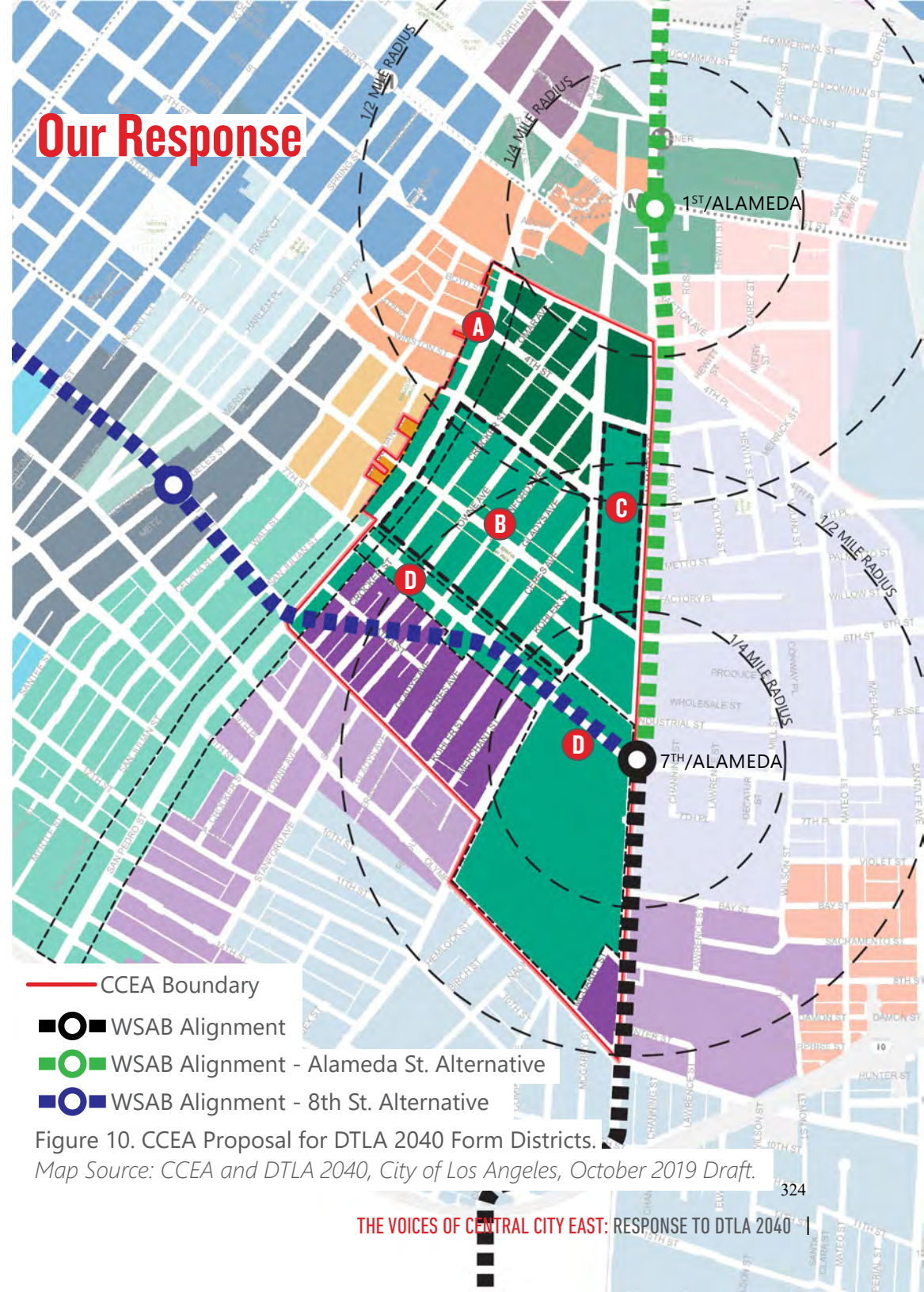


Figure 10. CCEA Proposal for DTLA 2040 Form Districts.

Map Source: CCEA and DTLA 2040, City of Los Angeles, October 2019 Draft.



# 5 | SHAPING OUR OWN FUTURE

In closing, we again thank you for engaging us and soliciting our input. We hope this document provides both clarity and direction to your efforts. We would like to re-emphasize that there remains a wide gap between what we think the future of our neighborhood is compared to what DTLA 2040 is proposing.

The most notable departure in our respective approaches has to do with the 15 blocks that make up the heart of our district. Defining our community by income, in our minds, constitutes 'Containment 2.0' and makes permanent the structural imbalances that have shaped our neighborhood. We believe that this approach is misguided and goes against planning best practices.

We have spoken and argued for decades against Containment and view DTLA 2040 as the means to finally dismantle it. This is a generational opportunity. We urge you to make use of it.

So if not defined by Containment, what do we want our neighborhood to be?

We are an industrial-residential neighborhood. We want to remain one. We do not want to be a neighborhood of intentional, permanent poverty.

We do not want to be singled out with policies that are nonstarters everywhere else in the city. We are a neighborhood that serves and supports the underserved and we will always be so. But we do not want to be the one neighborhood that every other neighborhood expects to carry this responsibility at this intensity.

We want to be a mixed-income neighborhood with market-rate housing that supplements and does not supplant, because that will ensure our underserved residents have better access to amenities and public services. We will protect and expand our supply of affordable housing, already the most stable of its kind anywhere in the city. Because our non-profits control nearly all our housing supply, we will disallow any effort that displaces our residents. We want a public realm and outdoor experience that provides shade, safety, and comfort to our residents and workers.

We want, with your support, to pursue sound and norm-breaking policies that allow us to chart an inclusive and balanced future, while continuing to serve the most vulnerable.

*Endnotes:*

1. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
2. KCET. "Lost Train Depots of Los Angeles History." <https://www.kcet.org/shows/lost-la/lost-train-depots-of-los-angeles>
3. UCLA Luskin Social Welfare Department. "An Oral History of Skid Row - Full Segment." <https://youtu.be/acSuHsL8W6w>
4. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
5. UCLA Luskin Social Welfare Department. "An Oral History of Skid Row - Full Segment." <https://youtu.be/acSuHsL8W6w>
6. 99 Percent Invisible. Episode 279: "The Containment Plan." <https://99percentinvisible.org/episode/the-containment-plan/>
7. Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles Skid Row." [http://www.lachamber.com/clientuploads/LUCH\\_committee/102208\\_History\\_of\\_Skid\\_Row.pdf](http://www.lachamber.com/clientuploads/LUCH_committee/102208_History_of_Skid_Row.pdf)
8. Los Angeles Department of City Planning. DTLA 2040. Draft Community Plan Text. August 2020. [https://planning.lacity.org/odocument/577e7045-8159-41ce-b85b-975df5d6c376/Downtown\\_Community\\_Plan\\_Text\\_Summer\\_2020.pdf](https://planning.lacity.org/odocument/577e7045-8159-41ce-b85b-975df5d6c376/Downtown_Community_Plan_Text_Summer_2020.pdf)

*References:*

- Los Angeles Department of City Planning. DTLA 2040. Draft Downtown Community Plan Text. August 2020.
- Los Angeles Department of City Planning. DTLA 2040. Draft Zoning Map (Interactive). August 2020.
- Los Angeles Department of City Planning. DTLA 2040. Preliminary Draft of the new Zoning Code. May 29, 2020.
- Los Angeles Department of City Planning. DTLA 2040. Summary of plan policy and zoning updates made since October 2019. August 2020.
- Los Angeles Department of City Planning. DTLA 2040. 4. Housing Orientation. October 2019.
- Los Angeles Department of City Planning. DTLA 2040. 9. Form Frontage Use Overlay. October 2019.







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December 4, 2020

**VIA EMAIL**

Mr. Craig Weber  
 Principal City Planner & Division Head  
 Community Planning

Ms. Brittany Arceneaux  
 City Planner

Department of City Planning  
 200 N Spring Street  
 Los Angeles, CA 90012

Re: 1201 N. Broadway: Comments on Draft DTLA 2040 Plan and DTLA 2040 Plan DEIR (ENV-2017-433-EIR)

Dear Mr. Weber and Ms. Arceneaux:

This letter is submitted on behalf of the ownership of 1201 N. Broadway, which also includes adjacent properties fronting East Savoy Street, collectively referred to herein as the “Property.” We have appreciated the opportunity to talk with you and your team about the DTLA 2040 Draft Community Plan (“Draft Plan”). Please note that given the dramatic economic effects of the COVID-19 pandemic, we believe the City’s initial approach to the Draft Plan, reflected for example by its June 2019 recommendations that increased density and height in many locations, is essential to maintain. The Draft Plan was conceived in robust economic times, but recovery from pandemic economic conditions, and continued investment in urban areas, will require recognition of the many challenges the pandemic has imposed. We look forward to working with the DTLA 2040 team and the City as the public process continues.

For the Property, we believe the recommended density for the portions of the Property fronting Broadway under the Draft Plan issued in June 2019 with a “maximum FAR of 6:1 to 8.5:1” was appropriate both to the local conditions of the Property and in recognition of the Draft Plan’s goals. The Property is within convenient walking distance from the Metro L (Gold) Line Station at College Street, and a major focus of both the Draft Plan and the Draft Plan’s draft environmental impact report (“DEIR”) is to encourage additional housing near transit.

With respect, we do not believe that the Draft Plan’s most recent revision issued in November 2020 - which is more restrictive and provides for less density than current zoning and



the prior zoning recommendations in every earlier iteration of the Draft Plan - supports the goals of encouraging housing near transit. Recognizing that under regional planning documents, the City has a housing production goal of over 455,000 for the next eight years, downzoning Downtown-adjacent properties located near transit connections such as the Property will not enable the City to achieve this goal. For the reasons summarized below, we request that the City apply the Community Center designation and [DM5-SH2-5][CX1-FA][CPIO] zoning to the Property.

### **The EIR Should Analyze a Density of 6:1 to 8.5:1 FAR for the Property**

The Draft Plan repeatedly emphasizes the importance of providing housing near transit in order to meet the City's housing needs and climate goals. The Property is designated Tier 3 under the City's Transit Oriented Communities Guidelines due to the proximity to Metro's L (Gold) Line Station in Chinatown. Recognizing that the DEIR analyzed higher FAR and height for the Property from the August 2020 Draft Plan and determined such designations would not result in any significant impacts, we request that the City analyze a density for the Property consistent with the density proposed for the property across Broadway, as such a density is more likely to accomplish the overall Plan goals of increasing housing densities near transit.

The following chart illustrates the current, August 2020 Draft Plan zoning, and the proposed zoning under the November 2020 Draft Plan for the portions of the Property that front on Broadway ("Broadway Properties"). The June 2019 Draft Plan stated that Villages designated properties, such as the Broadway Properties, have a "maximum FAR of 6:1 to 8.5:1." This proposed FAR can be applied to the Broadway Properties when the Draft Plan is updated, contributing to the City's ability to meet housing goals.

#### ***Broadway Properties Zoning***

|                                   | <b>Current Zoning</b> | <b>August 2020 Draft Plan</b> | <b>November 2020 Draft Plan</b> |
|-----------------------------------|-----------------------|-------------------------------|---------------------------------|
| <i>Designation</i>                | Regional Commercial   | Villages                      | Villages                        |
| <i>Zoning Designation</i>         | C2-2D                 | [LLM2-SH2-5][XN1-FA][CPIO]    | [LM2-SH2-5][CX1-FA][CPIO]       |
| <i>Base FAR</i>                   | 3:1                   | 3:1                           | 1.5:1                           |
| <i>Bonus FAR (Draft Plan)</i>     | N/A                   | None                          | 3:1                             |
| <i>Bonus FAR (TOC Incentives)</i> | 4.5:1                 | 4.5:1                         | Supersedes TOC Incentives       |
| <i>Base Height</i>                | Unlimited             | 4 stories                     | 3 stories                       |
| <i>Bonus Height</i>               | N/A                   | 8 stories                     | 6 stories                       |

Accordingly, the current zoning is more permissive than the November 2020 Draft Plan, which limits FAR to 1.5:1 without utilizing any bonus scheme. Likewise, current zoning is more

permissive than both the August 2020 Draft Plan and the November 2020 Draft Plan, which limit the height to 4 stories (maximum of 8 with bonus) and 3 stories (maximum of 6 with bonus), respectively.

Current entitlements on the Broadway Properties allow for 6 stories and a FAR of 2.99:1; in 2017, the City approved a VTTM and Site Plan Review that would permit 118 residential units and 8,800 square feet of commercial floor area on the Property. (See VTT-74785 and DIR 2016-4075-SPR.) The VTTM and associated entitlements were extended this past summer and remain in effect for some years to come, subject to additional tolling provided for under the Mayor’s emergency COVID orders.

The June 2019 Draft Plan designated the portion of the Property fronting Savoy (“Savoy Properties”) as Medium Neighborhood Residential, which included a “maximum FAR of 3:1.” This FAR was maintained in the August 2020 Draft Plan. The November 2020 Draft Plan update downzones and restricts development on the Savoy Properties. The following chart illustrates the current, August 2020 Draft Plan zoning, and the current proposed zoning under the November 2020 Draft Plan for the Savoy Properties. As with the Broadway Properties, the current zoning on the Savoy Properties is more permissive than the November 2020 Draft Plan, which limits FAR to 1.5:1 without the use of bonus density.

***Savoy Properties Zoning***

|                                   | <b>Current Zoning</b>      | <b>August 2020 Draft Plan</b>   | <b>November 2020 Draft Plan</b> |
|-----------------------------------|----------------------------|---------------------------------|---------------------------------|
| <i>Designation</i>                | Medium Density Residential | Medium Neighborhood Residential | Medium Neighborhood Residential |
| <i>Zoning Designation</i>         | R3-1                       | [LLN1-MU1-5][RN1-FA][CPIO]      | [LN1-MU1-5][RX1-FA][CPIO]       |
| <i>Base FAR</i>                   | 3:1                        | 3:1                             | 1.5:1                           |
| <i>Bonus FAR</i>                  | N/A                        | None                            | 3:1                             |
| <i>Bonus FAR (TOC Incentives)</i> | 4.5:1                      | 4.5:1                           | Supersedes TOC Incentives       |
| <i>Base Height</i>                | 45 feet                    | 4 stories                       | 3 stories                       |
| <i>Bonus Height</i>               | 67 feet (TOC Incentives)   | 8 stories                       | 6 stories                       |

The recommended, additional restrictions in the November 2020 Draft Plan risk the unintended consequence of stifling development in transit-rich areas where the City should be promoting growth, such as at the Property. The reductions in base FAR are too low to build a viable project, and place a large financial burden on projects to obtain the FAR that the current zoning code and prior iterations of the Draft Plan allowed by-right.

Further, the proposed building height limits do not support the City's aims to grow in areas near transit. Imposing a 3 to 6 story height limitation is inconsistent with current zoning, which does not provide height limitations on the Broadway Properties. Rather than impose strict height limitations, the Plan should consider context-sensitive growth and density near transit. Recognizing that greater FAR and height are warranted due to the Property's proximity to transit, the Property should be afforded the density allocations of 6.1 to 8.5:1 FAR initially considered for Villages designations in the June 2019 Draft Plan. To further support the financial feasibility of transit-oriented development, FAR, setbacks, and frontage requirements should be utilized in lieu of building height restrictions in the Draft Plan.

**Providing the Community Center Designation and Corresponding [DM5-SH2-5][CX1-FA][CPIO] Zoning for the Property is Consistent with the Draft Plan's Goals and the DEIR's Emphasis on Locating Housing Near Transit**

The Draft Plan proposes significantly more density and height at the property located directly across Broadway from the Property and to the northeast. This property is proposed to be designated Community Center with [PLM1-SH2-5][XN1-FA][CPIO] zoning under the August 2020 Draft Plan and [DM5-SH2-5][CX1-FA][CPIO] zoning under the November 2020 Draft Plan, allowing for a FAR of 6:1 with a bonus FAR of 8.5:1, and a base height of 12 stories, with a bonus height of 15 stories.

The same designation, height, and FAR are appropriate for the Property and compatible with development in Chinatown, including this area's transition as more multifamily housing is provided for a transit oriented community. As noted above, the Property is designated Tier 3 under the City's Transit Oriented Communities Guidelines due to the proximity to Metro's Gold Line Station in Chinatown. The Draft Plan's goals and policies, as well as the DEIR, support the Draft Plan designating the Property as Community Center with [DM5-SH2-5][CX1-FA][CPIO] zoning in order to facilitate growth near transit resources.

***The Draft Plan's Guiding Principles and DEIR's Project Objectives Recognize the Importance of Prioritizing Growth Near Transit***

The Draft Plan's overall vision is to "accommodate anticipated growth," addressing the need for housing "in close proximity to transportation resources." (Draft Plan, Chapter 1, p. 4.) Further, as the DEIR notes, "[o]ver the next few decades, population in the Downtown Plan Area is anticipated to increase by approximately 150 percent by year 2040, as identified by current SCAG projections in 2016." (DEIR, p. 3-22; see also Draft Plan, Chapter 1, p. 12 [identifying SCAG population growth trends and projections].) Recent SCAG projections have only increased the City's housing production goal, and the "Downtown Plan Area is projected to continue growing at a faster rate than the City of Los Angeles as a whole." (DEIR, p. 3-22.) The DEIR repeatedly emphasizes the need for additional housing in the Draft Plan area. (*Id.*, pp. 4.12-16, 4.12-20, 4.14-8.) Accordingly, the Draft Plan should not be decreasing height and FAR, but instead should seek to promote growth in close proximity to transit, consistent with the DEIR's objectives to focus "residential development around transit stations" and allow for "intensive development throughout the Downtown Plan Area, and concentrating development

opportunity immediately surrounding the transit stations with an appropriate range of building sizes and mix of uses.” (*Id.*, p. 3-24.)

The DEIR characterizes the Draft Plan as articulating “a strategy for land use planning that will accommodate projected growth by encouraging higher intensity development and the most extensive mix of uses in areas that are served by high-frequency transit service.” (DEIR, p. 3-25.) Further, the DEIR notes that the Draft Plan’s strategy would “allow for infill development of additional housing units and job-producing uses in areas with existing transportation infrastructure such as Metro Rail Line stops.” (*Id.*, p. 3-27; see also Draft Plan, Chapter 1, p. 10 [goals to “promot[e] infill development” and “concentrate[e] growth near transit”].) The Property is located near the Metro Gold Line Chinatown Station, and accordingly the Draft Plan should accommodate additional growth on the Property through the Community Center designation and corresponding zoning.

In addition, the DEIR states that the Draft Plan will result in “higher densities than existing conditions” because:

Primary objectives of the Downtown Plan include: 1) maximizing development opportunities around existing transit systems to encourage sustainable land use, and 2) directing growth towards transit hubs and corridors.

(DEIR, p. 4.11-19.) As noted above, a change in zoning recommendations is necessary before these statements can apply for the Property. Rather than allowing for a higher density that would help achieve the Draft Plan’s primary objectives, the November 2020 Draft Plan would downzone the Property from current and previously proposed zoning. Designating the Property as Community Center with [DM5-SH2-5][CX1-FA][CPIO] zoning advances the Draft Plan’s objectives to “maximize[e] development opportunities around existing transit systems” and to direct[] growth towards transit hubs and corridors,” because it allows for greater development opportunities on a site close to an existing Metro rail station.

### ***The Draft Plan and DEIR Seek to Promote Sustainable Growth and Development***

The DEIR and Draft Plan also seek to increase transit usage and promote sustainable growth to reduce greenhouse gas emissions. The “Plan calls for efficient use of land that supports walking, bicycling, and access to transit, reducing energy consumption, and fostering environments for active and passive recreation.” (Draft Plan, Chapter 2, p. 27.) Policy LU 17.9 calls for the Plan to “support local, regional, state, and federal programs seeking to reduce greenhouse gas emissions, in an effort to minimize pollution sources and to improve air quality.” In addition, DEIR objectives seek to “[p]romote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment,” and “[r]educe vehicle miles traveled to meet the goals of the Senate Bill 375, Senate Bill 743, and California Assembly Bill 32 to reduce carbon emissions.” (DEIR, p. 3-24.) More permissive zoning at the Property would facilitate these goals, because it would enable additional housing near transit, thus reducing vehicle miles traveled as residents would be encouraged utilize the nearby Metro system rather than private automobiles.



The DEIR's analysis of the Draft Plan's environmental impacts takes into account the Draft Plan "incentiviz[ing] new development opportunities around existing transit systems; direct growth to transit hubs and corridors," and that the revised zoning code "would provide for a variety of options for accommodating planned development along . . . transit notes." (DEIR, p. 4.2-20.) Likewise, the DEIR notes that the Draft Plan "promotes concentrated, mixed-use development adjacent to transit stations and corridors in order to conserve resources and create more sustainable development pattern by increasing opportunities for active transportation and reducing the use of cars" and would "incorporate transit-oriented development." (*Id.*, pp. 4.7-33, 4.7-34; see also p. 4.10-42 ["The Downtown Plan would reduce work trips by promoting development near major transit hubs. . ."]; p. 4.10-47 ["The Downtown Plan would concentrate future growth in areas well-served by transit."].) Allowing for additional FAR and height at the Property with the Community Center designation and [DM5-SH2-5][CX1-FA][CPIO] zoning is consistent with these aims as it would enable additional housing near existing transit.

In sum, designating the Property as Community Center with [DM5-SH2-5][CX1-FA][CPIO] zoning facilitates the type of "high density, mixed-use infill development in an area well served by transit" that the Draft Plan is intended to facilitate. (DEIR, p. 6-2.) The November 2020 Draft Plan's proposed zoning has the opposite effect and should not be carried forward into the next iteration of the plan, and the higher density and height potential for the Property should be reflected in the final environmental impact report.

### **Additional Revisions to the Draft Plan Are Needed to Support Transit-Oriented Development**

In addition to the proposed revisions to the Property's land use designation and zoning, the Draft Plan should ensure that it is not imposing any unnecessary roadblocks to development near transit. For instance, in prior Draft Plan iterations, occupiable space located on the ground story was not included in the calculation of the floor area within Development Standards District 5. Occupiable space included lobbies, meeting rooms, gyms, and occupiable ground floor tenant space. The November 2020 Draft Plan no longer includes excludes occupiable space on the ground story. Counting this space within FAR calculations while substantially decreasing FAR within the November 2020 Draft Plan severely limits the ability to develop the number of residential units needed to meet the City's housing production goal while providing a "livable and healthy community" for residents. (See e.g., Draft Plan, Chapter 1, p. 4.)

Further, for projects under the Draft Plan's Community Plan Implementation Overlay ("CPIO"), the Draft Plan requires the issuance of a building permit for replacement development prior to the issuance of a demolition permit. (Draft Plan, CPIO, p. 9.) Such a requirement places an unnecessary burden on the ability to quickly and efficiently proceed with development in furtherance of the Plan's goals.

We are also concerned that the November 2020 Draft Plan proposes to supersede the City's Transit Oriented Communities Guidelines and Incentives with more stringent requirements. The City's proposed replacement program provides a bonus FAR that is at the lowest end of the City's affordable housing incentive programs. The Property is currently designated as Tier 3 under TOC, which would allow for a density increase of 70 percent and a

FAR increase of 50 percent. The Draft Plan's replacement program would only allow for a FAR increase of 35 percent, and no density increase. TOC has been effective at producing mixed-income developments with on-site rent-restricted affordable housing. The Draft Plan should not abandon this program, or at the very least should increase the incentives offered to encourage the type of transit-oriented, infill development the DEIR and Draft Plan repeatedly state is necessary to accommodate additional growth in a sustainable manner. As noted above, given the impacts of the COVID-19 pandemic, economic constraints should be considered in designing incentives for public benefits like affordable housing.

In the next draft of the Plan, we would also appreciate clarification that lot area per unit is not limited by a prescribed square footage in the FA Density District. (Draft Plan, p. 6-9.) The Draft Plan's Public Benefits Systems article also states that for the purpose of calculating the base number of units allowed under the Affordable Housing Incentive programs or Public Benefits programs in the FA Density District, "the maximum allowable units is determined by dividing the allowed floor area (in square feet) by the Base FAR, and then by a standardized unit size of 950 square feet." (*Id.*, p. 9-5.) We understand this standardized unit size to only apply for the purposes of calculating the base number of units under the State Density Bonus provisions or local incentives to encourage affordable housing, but does not otherwise prescribe a standardized unit size.

### **Conclusion**

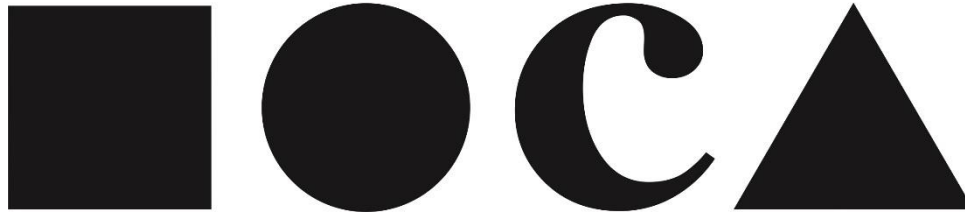
Thanks again for your consideration, and we look forward to continued discussions as the Draft Plan and environmental processes move forward. Please do not hesitate to contact me should you have any questions.

Very truly yours,



Beth Gordie  
of LATHAM & WATKINS LLP

cc: Shana Bonstin, Deputy Director of Planning  
Lisa Webber, Deputy Director of Planning  
Valerie Watson, Senior City Planner  
Cindy Starrett, Latham & Watkins  
Samantha Seikkula, Latham & Watkins

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December 4, 2020

Brittany Arceneaux, City Planner  
Department of City Planning  
City of Los Angeles  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Via email: brittany.arceneaux@lacity.org

**Re: Comments on ENV-2017-433-EIR: DTLA 2040 Draft Environmental Impact Report (DEIR)**

Dear Ms. Arceneaux,

We, The Museum of Contemporary Art (“MOCA”), are writing this letter as longtime Bunker Hill and Downtown Los Angeles stakeholders. The MOCA-owned site in Bunker Hill is located at 232-256 S. Grand Avenue in Downtown Los Angeles (the “Grand Avenue Site”).

Established in 1979, MOCA is the only artist-founded museum in Los Angeles. We are dedicated to collecting and exhibiting contemporary art. We house one of the most important collections of contemporary art in the world, comprising roughly 7000 objects, and have a diverse history of ground-breaking, historically-significant exhibitions. Importantly, we recently made the museum entry free to the public, reinforcing our position as a critical and accessible cultural institution in the Los Angeles region. The museum on Bunker Hill in Downtown Los Angeles has been a mainstay cultural attraction for 40 years and will continue to be a public resource and attraction in Los Angeles.

We have reviewed the Draft DTLA 2040 Plan (“Plan”) and the associated Draft Environmental Impact Report (“DEIR”). The following commentary represents MOCA’s feedback on the Plan based on our experience and vision for the future of MOCA’s museum on the Grand Avenue Site.

**Pedestrian Easement**

**Do not require a pedestrian easement through the Grand Avenue Site.**

The Plan’s proposed Community Plan Implementation Ordinance (“CPIO”) implements a maintenance program for existing pedestrian linkages in Bunker Hill, including an identified existing pedway system on the Grand Avenue Site. Per the CPIO, this existing pedestrian walkway on the Grand Avenue Site must be maintained unless an equivalent pedestrian easement is provided within a new project, subject to the Director of Planning’s approval. Any future development of the Grand Avenue Site would be required to accommodate this existing pedestrian walkway in the proposed design.

While the Plan's goal to maintain pedestrian circulation systems throughout Bunker Hill is a noble one, the requirement to maintain or replace this pedestrian walkway on the Grand Avenue Site totally undermines the full future development potential of the site and would preclude future museum expansion. MOCA's gallery space is already limited as compared to comparable museums, so we will need to expand in order to grow with the community and remain relevant to all of Los Angeles. The ability to create a feasible museum expansion project outweighs the need to maintain the pedestrian access through the Grand Avenue Site. Removing this pedestrian walkway requirement would not inhibit the walkability or pedestrian-friendly nature in Bunker Hill. There are ample pedestrian amenities and public open space in the immediate area, such as the courtyards at Cal Plaza and the Omni Hotel, just to name two.

For this reason, we strongly believe that the Plan should be amended to remove the requirement to maintain a pedestrian walkway through the Grand Avenue Site.

#### **Design Restrictions**

##### **Simplify design restrictions to allow for iconic building design.**

The Plan would create highly-specific design requirements for buildings in the Plan area, including Bunker Hill. The Plan's proposed development and design standards are very prescriptive and would inhibit an innovative and creative building design. Iconic buildings in Bunker Hill, such as Disney Hall or the Broad Museum, which have come to define Los Angeles' cultural community and attract local and worldwide tourism into the City would simply not be feasible under the Plan's proposed design constraints. Indeed, even our existing building on Grand Avenue, which was designed by the world-famous, Pritzker Prize winning architect Arata Isozaki, would have been prohibited by the Plan. Design standards that are far too prescriptive, such as those in the Plan, are shortsighted; they will squash creative approaches to design and architecture and put a damper on future fundraising for exceptional development. As such, we believe that the Plan's design restrictions be significantly simplified and streamlined to allow for exceptional, world-famous iconic building designs, especially in the Bunker Hill area.

#### **Conclusion**

For the reasons stated above, MOCA does not support the Plan as currently proposed. We strongly urge the Los Angeles Department of City Planning to reconsider these proposed zoning regulations applicable to the Plan area and Bunker Hill specifically and instead consider the alternatives outlined in this letter. We appreciate your time and consideration.

Sincerely,



Klaus Biesenbach  
Director  
Museum of Contemporary Art



Maria Seferian  
Chair, Board of Trustees  
Museum of Contemporary Art



**December 3, 2020**

**Sent Electronically**

Brittany Arceneaux, City Planner  
City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Email: Brittany.arceneaux@lacity.org

**RE: Draft EIR Comments for the Downtown Community Plan Update/New Zoning Code for Downtown Community Plan**

Dear Ms. Arceneaux:

On behalf of individual stakeholders and community based organizations that comprise the Chinatown Sustainability Dialogue Group (CSDG), thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Downtown Community Plan Update/New Zoning Code for the Downtown Community Plan (DTLA 2040).

CSDG appreciates the City's renewed commitment to developing equitable planning policies and programs in Los Angeles. From this lens, we submit the following comments:

**1. Protect Chinatown's historic-cultural neighborhood**

- Expand the Villages land use designation. We appreciate that the City expanded the Villages land use designation in Chinatown to include the block between College Street to the north, Alpine Street to the south, North Broadway to the east, and North Spring to the west. We ask the City expand the Villages land use designation in Chinatown to protect our historic-cultural neighborhood and its naturally occurring affordable housing, legacy businesses, and longtime cultural institutions by including: 1) the area south of Ord Street to Cesar E. Chavez Avenue between North Hill Street and North Alameda Street; 2) the west side of North Hill Street between Alpine Street and Cesar E. Chavez Avenue; 3) the area west of North Alameda Street to New High Street between Alpine Street and Cesar E. Chavez Avenue; 4) the north and south side of Alpine Street between Yale Street and North Hill Street; and 5) the block between College Street and Alpine Street to the north and south, and Cleveland Street and Yale Street to the west and east.
- Prioritize spaces for small businesses through commercial establishment size limits in Chinatown.
- Create a new citywide legacy business policy and programs that provide incentives and resources in support of longtime small businesses and institutions.
- Acknowledge and encourage the preservation and rehabilitation of existing historic and potentially eligible resources in Chinatown in the Historic Cultural Neighborhoods Best Practices section on Chinatown.

## **2. Promote a safer and healthier Chinatown**

- Implement neighborhood- and pedestrian-friendly circulation guidelines to reduce air pollution and vehicle-pedestrian accidents.
- Prohibit block alcohol permits which undermine community development goals; rather, each alcohol application should be considered on its own merits, i.e. should be unique to the individual operator or location, and not be awarded as part of an entitlement package that benefits a real estate investor/speculator.
- Limit the hours and frequency of community events in Chinatown consideration of the impact to local residents and businesses; require approval by the neighborhood council.

## **3. Community benefits should include community-serving amenities**

- Public restrooms
- Public parking supply and policy that supports local business and residents.
- Protecting the integrity of parks and open space by maintaining access to light, fresh air, and aesthetic views.

## **4. Create inclusive housing without displacement of current residents**

- Maintain proposed reductions in base FAR and height limits to incentivize affordable housing development in the Chinatown area.
- Increase the supply of affordable housing, including for extremely low AMI renters. Any locally displaced households shall have first priority in new affordable housing.

Thank you for allowing us to share the feedback of longtime Chinatown residents and stakeholders. We look forward to seeing our concerns reflected in updated iterations of the Draft Downtown Los Angeles Community Plan. Please let us know how we can continue to participate in the creation of this important document.

Sincerely,  
CSDG TEAM



Los Angeles City Planning Department  
 201 N Figueroa St Ste 4  
 Los Angeles, CA 90012

RE: DTLA 2040 Community Plan Update

December 3, 2020

Dear Downtown Community Planning Team:

In 2012 several residents, including myself, came together to address the severe lack of tree canopy in the industrial neighborhoods of Downtown Los Angeles. We founded Industrial District Green with the mission:

***to improve the livability of the DTLA Industrial District through the implementation and maintenance of community-based greening and open space projects while engaging under-served members of the community via education and outreach programs.***

Since our founding, Downtown has seen an explosion of development. With the vast amount of money flowing into our area for high end housing we would have expected to see a commensurate number of trees and parks to offset the influx of people. Unfortunately, this was not the case. Despite the years of advocacy aimed at City Planning personnel we were never able to stop tree variances from being issued which caused Downtown to lose out on hundreds of thousands of dollars “worth” of tree canopy. Once a tree variance is issued, and they are granted all the time for Downtown projects, we never end up seeing those trees – the fees end up going into a black hole and no one is quite sure who decides how they can be used – including City Planning personnel. We are the only tree-planting organization native to Downtown Los Angeles, so if we do not know how these funds get accessed locally, then it is safe to say it cannot be known. Further, the fact that trees “in containers” can count as trees planted for a project, ignores larger stormwater management concerns for the LA River Watershed upon which Downtown sits. All trees required to be planted should be mandated to be planted in the ground.

Mayor Garcetti announced a new partnership with Google called “[The Tree Canopy Lab](#)”. A cursory look at Downtown with this tool shows that our industrial neighborhoods average around 3 ½% canopy coverage. A healthy % would be closer to 15% ([Why We No Longer Recommend a 40 Percent Urban Tree Canopy Goal - American Forests](#)). Compounding these already unhealthy conditions are the large amounts of emissions pumped into the area from semi-trucks that travel through this zone, which exacerbate an already vulnerable population. Additionally, large warehouses amplify the urban heat island effect, making hot days even more unbearable. The negative effects of not having tree-lined streets are immediate and unavoidable, especially for the homeless who struggle to find relief from the sun’s rays during LA’s sweltering summers. Residents of the neighborhood - both homeless and housed, have been almost completely disconnected from nature.

Since the last decade of intense development Downtown has led to an uneven distribution of public benefits, with over half of Downtown seeing no new park space added, there is nothing that tells me that the next decade will be any different, despite anything included in the DTLA 2040 Community Plan Update. There are no mandates for park space/per new unit built. No mandates for WHERE any new parks would be built, and no guarantee tree variances would not continue to be issued. It is not like Downtown does not desperately need the trees. Where does City Planning think the funding for an urban forest is supposed to come from if tree variances keep getting passed out like candy?

Our ask is that you mandate trees as well as park and greenspace square footage/per new unit built from development projects and that you bake in accessibility for all corners of Downtown. Someone that lives near the intersection of the LA River and 10 freeway should not have to travel two miles away to access a park.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Katherine D. Munnery". The signature is fluid and cursive, with the first name "Katherine" being the most prominent part.

Co-founder of Industrial District Green

cc: Craig Weber, [craig.weber@lacity.org](mailto:craig.weber@lacity.org)  
Brittany Arceneaux, [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)  
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**Industrial District Green** Tel: (213) 293-1425 Email: [info@industrialdistrictgreen.org](mailto:info@industrialdistrictgreen.org) Web: [www.industrialdistrictgreen.org](http://www.industrialdistrictgreen.org)



On Fri, Dec 4, 2020 at 4:46 PM Laura Velkei <[REDACTED]> wrote:

Hi Brittany -

You'll be receiving other correspondence from the team if you haven't already but we wanted to include the work we did on the matter that garnered hundreds of signatures supporting the Arts District Ordinance which we submitted to City Planning. Highlights of the ordinance included:

- Minimum average size unit size of 1000 square ft (this is adjusted from 750 minimum)
- 1.5 FAR Commercial Space
- Post & Beam Construction
- Type one and Two Construction
- Historic & Contributing Buildings

In 2015, the Arts District Community submitted a [land-use ordinance](#) to the City of Los Angeles reflecting the desires of the community and to ensure the long term health and sustainability of the Arts District.

The [plan](#) was presented to the city as an alternative to the Hybrid Industrial Ordinance as it was more reflective of the community goals vs outside developer goals promoted by the now-indicted former council member Huizar.

Over 325 people signed the [petition](#) supporting the Arts District drafted plan. So as not to clutter up your inbox, the Ordinance submitted to the City and was offered to stakeholders in petition form again can be found [here](#). A pdf version is also attached. (Timestamps and emails can be provided if needed)

In addition, all 3 of the Community Boards in the Arts District drafted and [submitted letters](#) as to their position on the matter.

We respectfully request that this petition and the linked letters previously submitted be included in the record and that the will of our community be enforced over the outside interests of other stakeholders not living or working in the community.

Please let me know if you need me to send the pdf of the org letters in addition to the links, we just wanted to have this on file before 5.

Have a great weekend!

Laura

--



## Our Letter & Signers

*An Open Letter from Urban and Civic Leaders to the Los Angeles City Council and Department of City Planning: The undersigned are a group of community members and leaders, architects, urban planners, developers, and academics who deeply care about the future of the Arts District in Downtown Los Angeles. The Arts District is a unique and irreplaceable part of Downtown Los Angeles and we hope the City Council adopts a specific plan that will preserve the defining characteristics of our neighborhood — a plan designed to build on the innovation, creativity, and economic activity developed over the last three decades. The Arts District is a prime example of how proper planning and zoning can transform a blighted urban center. The Artist-in-Residence Ordinances have empowered artists and entrepreneurs to re-imagine and re-purpose an area that had been severely underutilized. **If the Arts District is to maintain its unique place as a vibrant center of creativity, economic prosperity, and diversity, a forward thinking land use policy should be adopted; a policy that will safeguard and promote these values.** Rigid building codes and out-of-date urban planning practices should be set aside while a thoughtful evaluation of new tools is being conducted. The attached proposal for an Interim Land Use Policy framework in the Arts District was created with the goal of maintaining and strengthening the extraordinary diversity which has been a defining hallmark of the Arts District. It ensures that new projects will maintain a balance of creative space and live/work space. The proposal seeks to ensure that the creation of any new live/work spaces maintains the distinctive live/work environment characteristic of the Arts District — and does not promote the suburbanization of this vital urban center. Los Angeles has many multi-family residential neighborhoods, like West LA, but it has only ONE Arts District in Downtown Los Angeles. It is critical that the new area plan be designed to build on rather than undermine the defining characteristics of the Arts District. Specifically, we advocate that Type I and II buildings must be the primary method of construction and an appropriate density should be afforded to offset the cost of construction. Wood structures should be constructed in a way that will maximize the flexibility and adaptability of design and must maintain commercial capabilities. Live/work units should be designed with true live/work utilization in mind. Live/work should provide the flexibility and structural integrity that promotes multiple uses. Live/work should not be diluted into a veiled excuse for turning the Arts District into a bedroom community. Ground floor space should be dedicated to traditional uses that enhance the pedestrian experience. It is wholly inconsistent with the characteristics of the District to undermine the pedestrian experience by allowing ground level parking. New construction in the Arts District should provide parking below or above street level. We feel strongly that the Department of City Planning should craft a land use policy based on the long-term best interest of Los Angeles and the community as a whole, a policy that is uniform and evenly applied, a policy that protects the defining characteristics of the District, and a policy that is not subject to endless variances granted to satisfy the needs of specific developers. We encourage you to use the attached draft ordinance as the building block for creating a meaningful land use policy for the Arts District. Respectfully, Here you will find the people behind the design of this ordinance and the people who support it. We would like to add your name too. You can lend your voice [here](#).*

I support the Community written Arts District Ordinance (Responses) : Supporters

| Name                |
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| SANAZ ABDI          |
| Ellen Abramson      |
| Gina Acuña          |
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| Dale Youngman        |
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| RICHARD ZIPLER       |
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Supporters

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<

[ADD YOUR NAME](#)





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T. 213 384 3844

studio-mla.com

December 4, 2020

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City of Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Via email: [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)  
Revised and final version sent: 12/4/2020 at 5:10pm

**RE: Comments on ENV-2017-433-EIR: DTLA 2040 Draft Environmental Impact Report (DEIR)**

Dear Ms. Arceneaux,

Studio-MLA is a design studio that integrates landscape architecture, urban design, and planning to create places that inspire human connection, unite communities, and restore environmental balance. Advocacy is a foundation of our practice – a powerful tool to catalyze ecological and social change with inclusivity and authenticity. We believe in the transformative power of design to recalibrate the natural and built environments that connect us.

It is with this approach that we would appreciate your consideration of the follow comments to the DTLA 2040 Draft Environmental Impact Report.

- Allow more flexibility for housing in the Arts District and Fashion District and do not limit housing to live/work units.
- Remove the ban on market rate housing around 5th to 7th and San Pedro to Central as to not segregate communities by income.
- Height limits need to be reconsidered for the areas that are a part of the Downtown Community Plan. These neighborhoods are served by critical transportation where density should be allowed.
- Incorporate specific requirements for Community Benefits program to promote by-right development and decrease the need for projects to be approved on a subjective, one-off basis under discretionary review.

# STUDIO-MLA

- Provide a more substantial FAR bonus for affordable housing.
- Eliminate industrial exclusive zoning to provide more flexible zoning to flexibility long term.

The Downtown Community Plan and New Zoning code should also reflect the vision and work that has been done on the LA River. The code should be flexible and allow the parcels adjacent to the river to respond to its context, strengthen sense of place and become a tangible corridor supporting urban development, habitat, parkland, and human experience.

Some of our suggestions include

- A special overlay in downtown along the LA River that creates a “hybrid industrial” form that reclaims and opens access to the riverbank.
- Reverse the trend of buildings turning their backs to the river. Create a frontage district that encourages walking, biking, picnicking, etc. along the river
- Density that takes advantage of the first-mile-last-mile connectivity provided by the LA River Path and planned Metrolink station
- Encourage typologies such as overlooks that bring people closer to the river.

We appreciate your consideration of these comments and look forward to the Plan’s adoption.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mia Lehrer', with a stylized, flowing script.

Mia Lehrer, President  
MLA Green, Inc., d.b.a.: Studio-MLA



Letter 32

## CHINATOWN STAKEHOLDERS

c/o Summit Western Limited, LLC 970 North Broadway, Suite 111, Los Angeles, CA 90012

December 3, 2020

Brittany Arceneaux, City Planner  
Department of City Planning  
City of Los Angeles  
200 North Spring Street, Room 667  
Los Angeles, CA 90012  
Via email: [brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)

### **Re: Comments on ENV-2017-433-EIR: DTLA 2040 Draft Environmental Impact Report (DEIR)**

Dear Ms. Arceneaux,

We are writing this letter as longtime Chinatown Stakeholders (“Chinatown Stakeholders”) including business owners, property owners and community members who cumulatively have over 350 years of ownership and experience in Los Angeles’ Chinatown.<sup>1</sup> We have reviewed the Draft DTLA 2040 Plan (“Plan”) and the associated Draft Environmental Impact Report (“DEIR”). The following commentary represents the Chinatown Stakeholders’ feedback on the Plan based on our collective experience and vision for the Chinatown area.

In general, the Chinatown Stakeholders have interest in property in two areas including Chinatown East and Chinatown West<sup>1</sup>. Within the Chinatown East area, the first area of interest is the central part of Chinatown near the intersection of Alpine Street and Broadway. The second area of interest is the northern part of Chinatown closer to the Los Angeles State Historic Park. Within the Chinatown West area, the area of interest is the northern part of Chinatown near the intersection of Yale Street and Bernard Street.

### **Chinatown History and Background**

The changing role of Los Angeles’ Chinatown in relation to the rest of DTLA and the San Gabriel Valley provides a useful background for planning the next 20 years of Chinatown’s development. Once the social, cultural, and economic center of L.A.’s Chinese American community, Chinatown has evolved over the past 50 years. Many Chinese-oriented restaurants, businesses, and community institutions have followed the ethnic Chinese population moving eastward to the San Gabriel Valley, although some continue to locate in Chinatown. As an example, Cathay Bank has since relocated its corporate

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<sup>1</sup> Per the DTLA 2040 Plan, Chinatown East is an area approximately bounded by Ord Street, Hill Street, N. Spring Street and LA State Historic Park. Chinatown West is defined as the area approximately bounded by Cesar E. Chavez Avenue, Hill Street, 110 Freeway and Bernard Street.

headquarters to El Monte because most of its customers and employees reside in the San Gabriel Valley. At the same time, adjacent and nearby areas of downtown such as Bunker Hill, South Park, the Arts District, and Little Tokyo have attracted a housing boom generating a downtown residential population that has fueled demand for restaurants, cultural facilities, and other resident-serving services. The downtown housing boom has largely passed Chinatown by. However, filling the vacuum left by the departure of traditional Chinese businesses and organizations, new uses have emerged in Chinatown such as innovative food and retail entrepreneurs, art galleries, and architecture and design businesses. And there are signs that the demand for downtown housing is spilling over into Chinatown. This has led to proposals for new residential projects serving both Chinese and non-Chinese residents.

Many of the Chinatowns in other U.S. cities have stagnated and lost their economic vitality as a result of demographic changes, even in the face of development activity in adjacent or nearby areas. The fundamental challenge for L.A. Chinatown is how to maintain its neighborhood character and serve a wide range of community needs while generating a level of new economic activity that can sustain the community.

### **A More Balanced Approach to Planning Chinatown's Future**

City Planning has an important role in creating a framework for guiding future development in Chinatown. It can deploy planning tools that provide incentives that encourage outcomes that it deems positive or constraints that discourage outcomes that it deems negative. But if the overall planning framework fails to strike the right balance or equilibrium of tools, the desired goals for Chinatown's future will not materialize.

A first step would be to avoid doing harm. Chinatown was largely bypassed by previous waves of new residential development in and around Downtown Los Angeles. In the Cornfield Arroyo Seco Plan ("CASP") adopted in 2013, City Planning attempted to promote infill development in the CASP area but also sought to limit the percentage of residential space in the floor area of new projects. This may have had the unintended effect of discouraging new development even at a time when other parts of DTLA were experiencing a development boom. The only project within the CASP area that has been approved (1457 N. Main St., with 244 live/work units) since adoption of CASP moved forward only as a result of the Central Area Planning Commission granting (in May 2020) an exemption from CASP's limitation of residential uses not exceeding 15 percent of the floor area. The City Council subsequently approved Councilmember Cedillo's motion (Council File No. 13-0078-S2) directing City Planning to review the land use incentives in CASP to determine whether they had the net effect of discouraging the production of mixed-income housing.

In addition to the 1457 N. Main St. project that obtained an exemption from CASP, there are at least two other projects (Buena Vista project, formerly known as Elysian Park Lofts, located above L.A. State Historic Park and the College Station project at the corner of North Spring and College Streets adjacent to the Gold Line station) asked to be excluded from the CASP area in order to avoid CASP restrictions. This additional evidence of other projects that were ready to proceed – but did not want to be covered by the restrictions of CASP – comprise additional evidence that there are components in CASP that were discouraging projects ready to proceed.

While City Planning is conducting its study of CASP's real-world impact on housing production, it would not make sense to adopt overly prescriptive restrictions in another DTLA neighborhood that might also result in unintended consequences discouraging new housing at a time when the city and the region continue to fall further behind current and future housing demand.

### **Building Height and FAR Limits**

**In order to enable Chinatown to do its part to fulfill City and Regional housing targets, restore allowable height and FAR.**

The Plan proposes reductions in Floor Area Ratio ("FAR") and building height for much of the Chinatown and Chinatown West areas. We believe that these FAR and building height limits represent significant downzoning that is entirely too restrictive and will lead to negative consequences for the future development of Chinatown.

This is especially true for the area generally bounded by Bernard Street, Yale Street, Ord Street, 110 Freeway and Broadway that is proposed to be within the MN1 Form District which would allow a base FAR of 2:1 and maximum height of 3 stories, and which can only be increased up to 6:1 FAR and 5 stories maximum through the Plan's Public Benefits Program.

The Plan's proposed reductions in height and FAR are some of the main tools proposed to preserve Chinatown's neighborhood character. But height and FAR reductions comprise a very blunt and inexact tool that may not achieve the intended goal. The reductions in height and FAR would needlessly inhibit new projects on sites that are not historically or culturally significant.

We are concerned that the base 2:1 FAR and 3-story height restrictions would result in more fast-food restaurants, strip malls, and other buildings accompanied by surface parking lots, which is inconsistent with Chinatown's historical legacy as a walkable, mixed-use neighborhood that respects historic context. The small size of many lots in Chinatown already constrains their development potential. The Plan could easily revert our neighborhood back to the lack of amenities and absence of pedestrian activity of the 1970s.

We firmly believe that the proposed zoning for the Chinatown East and Chinatown West areas should allow a base FAR of 6:1 and height limited only by FAR. Allowing a base FAR of 6:1 and height limited only by FAR would encourage new mixed-use development (including much needed housing as outlined in the Southern California Association of Government's Regional Housing Needs Assessment). This new development would help maintain sufficient density to support the mix of local businesses that make the Chinatown neighborhood function as a pedestrian friendly district where daily errands can be performed without a car.

### **Parking**

**Do not count above-ground parking (which may be necessary to make a project economically viable) towards the allowable floor area for projects. Ensure pedestrian orientation by requiring active ground floor uses in projects incorporating above-ground parking.**

Although the Plan eliminates minimum parking requirements for the Plan area, above ground parking will be counted towards a project's allowable floor area. This has major implications for the Chinatown area where the Plan proposes an extremely low base FAR of 2:1 in many parts of the neighborhood. Subterranean parking is not always feasible in many cases in an area like Chinatown where excavation can be complicated by geological and/or archaeological factors. In Chinatown, where the Plan greatly limits FAR, above ground parking should not count towards FAR. Counting above ground parking towards FAR, while also greatly limiting FAR in Chinatown, would impede the future development potential in the area by rendering projects infeasible.

We recommend that above-ground parking should not count toward project FAR in the Chinatown area if it is screened and/or adaptable for future reuse and projects include active ground floor uses. This marries good urban design principles with a financially viable means of providing parking.

### **Design Restrictions**

#### **Remove mandating area-wide design requirements.**

The Plan would create highly specific design requirements for buildings in the Plan area, including Chinatown. We believe that these design standards are far too prescriptive in the long run will limit creative approaches to design and architecture and put a damper on future development.

### **Limits on Hotel Rooms**

#### **Remove an arbitrary restriction on hotel rooms that could discourage new hotel development in Chinatown.**

The Plan arbitrarily limit hotels by their number of rooms, specifically to a maximum 49 rooms in the Chinatown area. We propose that hotel room limits be removed from the Plan since we believe they are antithetical to strengthening DTLA's role as a major visitor destination, including the Chinatown area.

### **Tenant Size Limitations**

#### **Remove arbitrary restriction on new commercial spaces that could deter businesses or community-serving facilities that would benefit the Chinatown community.**

The Plan currently proposes various size limitations on commercial establishments throughout DTLA, including a 1,500 square foot limit in parts of Chinatown and a 5,000 square foot limit in other parts of Chinatown. The intent of these limitations seems to be to preserve these areas for small businesses, and/or achieve a small-scale business look and feel. We believe these are blunt policy tools that could negatively impact neighborhoods and exclude potentially desirable businesses. For instance, even the smallest grocery stores typically require 7,500 to 10,000 square feet of space, but these limitations would preclude them, despite a strong need for grocery stores in Chinatown. The tenant size limitations would also preclude banquet style restaurants and other uses such as Chinese goods emporium shopping stores. The proposed tenant size limitations could also preclude desirable uses from locating in Chinatown such as a museum annex, food hall, or creative office or studio space.



Instead of limiting the size of commercial spaces in Chinatown buildings, the Plan should consider other ways to encourage desired outcomes.

### **Affordable Housing**

#### **Incentivize new affordable housing in Chinatown by raising the base FAR for new projects.**

Currently as proposed, the Plan would allow mixed income residential projects in the Chinatown area and would not impose an affordable housing requirement in new residential projects unless a project chooses to utilize the Plan's proposed Public Benefits Program to increase allowable height and FAR. We understand that some community groups would like the Plan to implement inclusionary affordable housing requirements to by-right projects in Chinatown prior to utilizing the Public Benefits Program so as to protect low income individuals and families in Chinatown from displacement. While we understand that these community groups' intention is to expand housing affordability and avoid displacement, the outcome of requiring affordable housing in by-right projects in Chinatown prior to the use of the Public Benefits Program is unrealistic and unfeasible.

Additionally, a baseline inclusionary affordable housing requirement for by-right projects, especially in an area like Chinatown where FAR is proposed to be extremely limited, will further exacerbate the issue of financial feasibility of future development in the area. That is to say that the proposed extremely low base FAR in Chinatown, plus a baseline inclusionary affordable housing requirement, would render project costs too expensive with not enough incentive to develop. This will lead to net zero new housing units, both low income and market rate units, and would not help alleviate the housing shortage or affordability crisis facing our city and Chinatown specifically. Accordingly, we firmly believe that the Plan should remain unchanged for Chinatown in terms of allowing market rate housing prior to use of the Plan's Public Benefit Program and only imposing inclusionary affordable housing requirements for projects utilizing the Public Benefits Program and/or seeking development incentives. This, in addition to increasing the allowable base FAR, will ensure the feasibility of producing housing in the future in Chinatown.

### **COVID-19 Pandemic Impacts**

The COVID-19 pandemic has impacted every aspect of our lives and world. While every industry will continue to be impacted, the hospitality, retail and real estate subsectors have been decimated with no clear end in sight. And longer term, subsectors such as office and industrial real estate will be affected by changes in where people work and changes in supply chain; so, surely usage and design of physical spaces will alter as we learn more about the pandemic. Consequently, it would not be in the community's best interest for City Planning to prescribe design and uses based on pre-COVID-19 assumptions.

### **Conclusion**

For the reasons stated above, the Chinatown Stakeholders do not support the Plan as currently proposed. Planned limits on maximum building height and floor area, above ground parking counting as floor area, overly prescriptive design restrictions, hotel room restrictions, tenant size limitations, and potential inclusionary affordable housing requirements without sufficient density to make

projects economically sustainable will severely impair the future growth potential of Chinatown and lead Chinatown into stagnation while nearby Downtown areas flourish.

Because the DTLA 2040 Plan could have such pervasive impact on the physical reality of Chinatown over the next 20 years, it is imperative to further expand City Planning's outreach efforts to include a wider range of stakeholders including more of the property owners and business owners who provide the jobs, business opportunities, and housing that constitute Chinatown today. We would be happy to help City Planning further extend its Chinatown outreach efforts.

We strongly urge the Los Angeles Department of City Planning to reconsider these proposed zoning regulations in the Chinatown area and instead consider the alternatives outlined in this letter. We appreciate your time and consideration.

Sincerely,

DocuSigned by:

*May Chan*

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MAY CHAN

Senior Vice President, General Counsel  
and Secretary  
Cathay Bank

DocuSigned by:

*Peter Cheng*

EC6EB8A1DEED485...

PETER CHENG

Chief Financial Officer  
KTKW Limited

DocuSigned by:

*Tony Quon*

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TONY QUON

President and Board Member  
L.A. Chinatown Corporation

DocuSigned by:

*Jason Fujimoto*

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JASON FUJIMOTO

Manager  
Moy and Associates  
Board Member, L.A. Chinatown Corporation

DocuSigned by:

*Michael Woo*

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MICHAEL K. WOO

Co-Managing Member  
Summit Western Limited, LLC  
Former Member, Los Angeles City Council  
Former Member, Los Angeles City Planning  
Commission

DocuSigned by:

*Martin V. Lee*

F1C7DB63BA184A4...

MARTIN V. LEE

for Triac Development Corp.  
Co-Managing Member  
Summit Western Limited, LLC  
Former Member, Los Angeles City  
Affordable Housing Commission

DocuSigned by:

*SCOTT W. LEE*

DE5076BBD5AC435...

SCOTT W. LEE

for Triac Development Corp.  
Co-Managing Member  
Summit Western Limited, LLC

cc: Los Angeles City Councilmember Gil Cedillo, 1<sup>st</sup> District (via email)  
Signatories (via email)

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### <sup>i</sup> **Chinatown Stakeholders**

**Cathay Bank** – Cathay Bank, the first Southern California bank founded by Chinese Americans, built its original corporate headquarters on North Broadway, and continues to own and use the building (777 North Broadway; constructed in 1965) as its corporate headquarters and L.A. Chinatown branch office.

**KTWK Limited** – Owner of Chunsan Plaza shopping center (750 North Hill Street; constructed in the 1960's) that extends from North Broadway to North Hill Street, adjacent to the Cathay Bank property.

**L.A. Chinatown Corporation** – Owner of the historic New Chinatown Central Plaza established in 1938 (an area approximately bounded by Broadway, Hill Street, Bamboo Lane and College Street) and parking lot located at 419 West College Street .

**Moy and Associates** - Owner of the buildings located at 946 Yale Street (built in 1961), 736-742 North Broadway (built in 1964), 415 Alpine Street (built in 1977) and 800 North Hill Street (built in 1979).

**Summit Western Limited, LLC** – Owner of Mandarin Plaza shopping center and Golden Dragon Restaurant property (and adjacent parking lot) located at 970-1000 North Broadway and 950-960 North Broadway, respectively. Both buildings were completed in 1972.

On Tue, Sep 22, 2020 at 8:39 AM Mike <[REDACTED]> wrote:

Sierra Club  
Angeles Chapter

Brittany Arceneaux  
Los Angeles Department of City Planning  
[200 N. Spring St., Room 667](#)  
Los Angeles, CA 90012

Ms Arcenenaux,

Our Comments are as follows:

1. Decoupling and Land Use with no minimum Parking Requirement. This is a long sought objective of Sierra Club, and we commend you for this Historic Step.
2. Community Benefits - this is also an excellent concept for inclusion. The history is spotted with unused funds, lack of clarity on where used and cumulative documented results. Another issue is using these funds for benefits already included in the Plan. However, we want to commend for adding active used to the street fronts of above grade Parking. Eliminate on street parking, add bike lanes and sidewalk uses e.g. Outside dining.
3. Add inclusion of Transfer of Development Rights. This has long been used as an important source of Funds e.g. Preservation of Central Library. To have this Vast source of available Funds, and not use them, is a Great Oversight. This is a huge source of funds which could be applied, for example:
  - A. Parks in Park deprived Neighborhoods
  - B. Saving Historic Buildings e.g. Central Library
  - C. New or Revitalized Parks for Community Plans
  - D. Long term source of funds for a Vast increase in the number and diversity of Parks in the City e.g. Along the Los Angeles River, and Mini Parks



E. Anticipated support of Metro Congestion Pricing "Pilot" which will probably focus on Downtown LA and include free transit access as component

The Transfer of Development Rights should be to areas within one quarter mile of Rail Transit Stations

An impressive start.

Mike Clark, Chair, Virginia Wexman, Vice Chair

Sierra Club Angeles Chapter Transportation Committee



SOUTHERN CALIFORNIA FLOWER GROWERS INC.

December 04, 2020

Brittany Arceneaux  
City Planner/DTLA 2040 Project Manager  
Los Angeles City Planning  
200 N. Spring Street, Room 667  
Los Angeles, CA 90012

Dear Ms. Arceneaux,

First off, thank you very much for all the work you and your staff have put into the DTLA 2040 Plan. I am sure it has been no easy task given all the different entities and stakeholders advocating for one issue or another.

To give you some background, our wholesale flower business (The SoCal Flower Market) has been in the City of Los Angeles for 108 years. I believe we are one of the oldest institutions still doing business in the City. Recently, the City granted us the zoning rights to build a mixed use project which would not only house a flower market but allow us to add residential, office and new F&B to our property. Since the wholesale flower business has dramatically shifted over the years (i.e., buyers bypassing our markets), we needed to reinvent ourselves and stay competitive in this ever-changing technological world. We hope to break ground in 2022 and our project has been referred to by many city officials as the "Gold Standard" or the model example of what is possible in our outdated industrial district. We hope to live up to such a high standard.

That being said, there are a couple of areas where modification to the Plan would enable our district to not only thrive but be a great example for other metropolitan cities to follow (similar to New York's meat-packing district).

1. Allow market rate housing in the Central City East area. The tragedies we see in Skid Row are enormous and complicated and we have witnessed it firsthand for decades. One thing is certain – centralizing the needed housing and services in one specific area has not worked. To go even further by designating a large area as affordable housing will only lead to further tragedy. We believe decentralizing is the key as it will make it harder for the criminal element to (i) prey upon the vulnerable and (ii) allow for better conditions to help people rather than handcuff them to one specific area. By forcing the vulnerable to live in an area where the criminal element (i.e., drug dealers, pimps/prostitution, etc.) are allowed to centralize and flourish in one zone is a disaster as we have witnessed firsthand on our own street.
2. Remove restrictions on new housing and increase floor area ratios. Our city is in desperate need of less expensive housing, especially in the mid-range pricing. Removing restrictions will encourage construction of new units and drive down prices. Our project is a good example – since we are not South Park or the Arts District, our rent forecasts are in the \$2,000 to \$2,500 per unit range. A price which is almost non-existent in DTLA. And because we were not restricted by FAR or specific housing types, we are allowed to build enough units to achieve financial feasibility and keep our rents in the target range dictated by our location.

Thank you for your consideration and we look forward to further refinements of the visionary DTLA 2040 Plan.

Sincerely,



Scott Yamabe  
CEO

On Fri, Oct 2, 2020 at 11:52 AM Tom Williams <[REDACTED]> wrote:

Thanks Tom

More comments coming in

Draft EIR Dept City Planning <https://planning4la.org/development-services/eir>. **Comment Period: August 6, 2020 9 AM - December 4, 2020. 5 PM**

comments on DEIR, include: comments *name, telephone number, and contact information*

Quimby Funds - In Lieu of Open Space on Development Sites.

Dpt Rec&Park don't want to use them, as they are only for land and facilities...NO O&M funds, Install water fountain but cannot pay for water to operate it.

City Controller found \$15 MMMMMM in a Quimby account of Dpt Rc&Pk WHY...no O&M funds to service any new facilities. AND City Treasurer want to keep them unspent??? WHY? Interest% on \$15M was not limited in use and LACT could get them for general fund uses...

Congestion Pricing



- Delineate - LARiver (east side), SR-110 (north side), I-110 (west side), & I-10/Washington Blvd. (south side)

Eliminate street parking in DTLA, Eliminate ground-level off-street parking
- Connect with Free Park-N-Rides - LACity Limits Eastside - El Sereno-Huntington Drive, CSULA/Caltrans lands-Valley Blvd., Highland Park-Figueroa/Ave 51

Integrate PNRs with affordable housing Comm./Res. TOC developments (3-5 floors)

2

3

Tom

December 3, 2020

**BY EMAIL**

Brittany Arceneaux  
Los Angeles City Planning Department  
City Hall  
200 North Spring Street, 6th Floor  
Los Angeles, CA 90012

Re: DTLA2040 - LA Wholesale Produce Market

Dear Ms. Arceneaux:

This firm represents the Los Angeles Wholesale Produce Market (“Wholesale Produce Market”), which operates one of the largest wholesale produce markets in the United States. This letter is to bring matters to your attention regarding the proposed Central City Community Plan Update published in November 2020 (“DTLA2040”), the related Draft Environmental Impact Report released on August 6, 2020 (“DEIR”) and the Wholesale Produce Market. Like our previous correspondence dated August 21, 2019, this letter hereby requests certain amendments to the DTLA2040 plan to ensure the future success of the Wholesale Produce Market property and surrounding areas.

The Wholesale Produce Market is an approximately 529,000 square foot, five-building wholesale produce terminal market operating on approximately thirty acres located at 1601 East Olympic Boulevard (and generally bounded by Alameda Street, Olympic Boulevard, Central Avenue and 8<sup>th</sup> Street). It consists of dock-high, high-bay, and refrigerated warehouses with loading and display docks on both sides of the buildings. It is the largest private produce market in the United States, responsible for shipping millions of pounds of produce from all over the country to grocery chains, storefronts, and local restaurants in Southern California and neighboring states, as well as serving as the entry point for produce from South America, Asia, Europe, and the entire United States. Tenants at the Wholesale Produce Market each sell millions of dollars’ worth of produce per year, with the Wholesale Produce Market as a whole selling billions of dollars’ worth of produce each year. In short, the magnitude of the Wholesale Produce Market’s operation and the benefits conferred on local residents and the region is undeniable.

However, as discussed previously, the Wholesale Produce Market is not immune to ever-evolving market conditions and the unprecedented challenges brought on by the ongoing COVID-19 pandemic. While the Wholesale Produce Market currently comprises the heart of Los Angeles’s produce district, this area is already evolving and will continue to change in the future. The subject property is a great opportunity site for future development that would support a range of land uses in the vicinity. Such flexibility becomes even more paramount

when considering Metro's West Santa Ana Branch Transit Corridor project, which envisions a possible Metro station at 7<sup>th</sup> and Alameda Street, less than a block away from the subject property. However, by imposing restrictions on residential development and floor area, the DTLA2040 plan would prevent the Wholesale Produce Market property from fully realizing a transit-oriented development with uses compatible with the transformation currently occurring in the area and compatible with the future Metro transit station.

Meanwhile, the demand for housing in Los Angeles has greatly exceeded the supply. In a region that continues to expand its job base, construction of additional housing has lagged considerably, making Los Angeles unaffordable for an entire generation of Angelenos. While the DTLA2040 plan correctly attempts to address this issue by providing for some additional residential uses, the plan counterintuitively limits or excludes residential uses in sites where it would otherwise be suitable and in fact, desirable.

In light of the above, we are hereby requesting the following changes to the DTLA2040 draft plan and related DEIR, if necessary:

**1. Designate the Wholesale Produce Market site as Transit Core and Base 13:1**

**FAR.** The proposed floor area ratio ("FAR") of 3:1 for the Wholesale Produce Market property should be changed to 13:1, consistent with the Transit Core land use designation. As mentioned above, the DTLA2040 plan should consider future Metro stations and allow flexibility for sites to be developed with transit-oriented uses. Also, as noted in the recent approval of the City Market Property redevelopment, the wholesale produce use in this area has been in decline for a number of years. We are requesting that the Wholesale Produce Market site be accorded with the same opportunity to redevelop if and when it becomes necessary to provide a wide range of uses including housing. Furthermore, downzoning the Wholesale Produce Market property to 3:1 FAR as indicated in the DTLA2040 plan (Sec. 2B.14.1), is contrary to the City's goals to promoting transit-oriented development. Limiting FAR in this regard would severely restrict the potential vibrancy and capacity of this site to provide additional, needed housing. As such, we request that the land use designation of the Wholesale Produce Market be changed to Transit Core with a corresponding use district and FAR of 13:1, and we maintain that request should the City approve instead DEIR Alternative 3.

**2. Maximize Residential Uses.** Given the City's housing crisis and the residential uses already permitted in this area, there is no reason to limit residential uses in the future at the subject property to exclusively joint living/work quarters. This flexibility should be incorporated into the DTLA2040 plan to allow for a wide range of uses, including all types of urban housing, consistent with other properties in the area that have transitioned from industrial uses to residential and mixed-use developments. Just to the northeast of the subject site, projects like the Walnut Building have transformed the historic headquarters and packing house of the California Walnut Grower's Association into lofts, office, and retail space. Similar mixed-use projects can be found nearby such as the 6AM project with over 1,000 residential units, and hundreds of residential units located at 688 S. Alameda Street and 1525 Industrial Street, to name a few. Mixed-use projects including residential units should be encouraged at the subject property for future development to further the City's housing and transit-oriented goals and to further compatibility with the existing evolution of the neighborhood. The DTLA2040 plan should

accommodate and encourage such creativity, and recognize that this area can evolve to satisfy the need and demand for housing, creative office, high tech, and the entertainment industry, which will be critical to continue transforming this area into a vibrant, transit-oriented neighborhood. As such, the Wholesale Produce Market should be designated a use district corresponding with Transit Core, to permit housing on the site.

Again, as the area continues to evolve and market conditions change, especially with the ongoing pandemic, it is possible that the produce market use becomes infeasible. If and when that occurs, it will be vital to have the flexibility to provide a wide range of uses at the subject property. Furthermore, as mentioned above, this flexibility is paramount when considering Metro's West Santa Ana Branch Transit Corridor project that envisions a possible Metro station at 7<sup>th</sup> and Alameda Street. Permitting residential uses and increasing the permitted FAR would allow for development consistent with the City's larger goal of transit-oriented development located within a half-mile radius of major transit stops. The City specifically encourages the construction of affordable housing near bus and train stations through the Transit Oriented Communities ("TOC") Guidelines, and the new units generated by the TOC incentives provide convenient options for low-income residents, add to the City's low housing stock, and promote alternatives to car travel (see City Planning 2020 Housing Progress Dashboard, Los Angeles Municipal Code Section 12.22 A.31 and TOC Guidelines).

We urge you to consider designating the Wholesale Produce Market for a wide range of land uses, including residential, and the flexibility to achieve a maximum FAR of up to 13:1.

Thank you for your consideration, and please do not hesitate to contact me with any questions.

Very truly yours,



Francis Y. Park  
of PARK & VELAYOS LLP

cc: Mr. Richard Flamminio  
Mr. Richard Gardner  
Veronique Trimble, Esq.



On Thu, Dec 3, 2020 at 7:56 PM Kim Burns <[REDACTED]> wrote:

To Whom It May Concern:

The Department of City Planning created a special zone where only affordable housing with extremely low and deeply low-income levels, can be build: **the I X 1 zone. But the zone doesn't cover all of Skid Row**, it squeezes affordable housing into the blocks East of San Pedro: between Alameda and 5th and 7th street. We want the expansion of the I X 1 zone to the existing, legal **Skid Row neighborhood boundaries**: from Main to Alameda, and from 3rd to 7th street.

We want the “**Preservation and maintenance of existing housing stock** at the foundation of the community's **affordable housing supply**,” applied to the existing **Skid Row neighborhood boundaries to avoid displacement of current residents** (3rd to 7th, Main to Alameda).

We want the plan's commitment to “Facilitate the integration of **locally produced and community oriented public art projects and cultural programming into public spaces to reinforce community character**” to include **consistent maintenance and additional amenities like hygiene stations, cooling stations, trees, shade structures and seating to occur at the Skid Row parks** including San Julian Park and Gladys Park, and we want the **creation of new Skid Row parks** where possible. We also want this **street safety and comfort investment on primary corridors in Skid Row** (San Pedro, 3rd, 4th, 5th, 6th, and 7th streets).

**Skid Row has a high number of artists and culture bearers that live and work in the neighborhood**, in order to make sure Skid Row residents benefit we ask that specific measures be included such as a property owners fee for the arts, contracts with local artists, Firehouse 23 renovation with extensive and accessible programming for adults and youth, dedicated cultural space in new construction and street vending support for local merchants.

We stress the importance of the draft's claim to **"Facilitate access to affordable, healthy, and fresh food** for all Downtown residents and support **community serving small businesses that sell affordable, fresh, and culturally relevant foods"** for Skid Row residents.

The draft's intention to **"Foster opportunities for individuals facing barriers to employment"** is best achieved in Skid Row by **offering Skid Row residents work opportunities in their neighborhood** related to parks, hygiene stations, resiliency centers, art projects, cultural programming and other facility and engagement work identified in this plan.

We believe that **"promoting community participation and partnering with community organizations and local residents** for cultural and historic preservation efforts", should be expanded to develop a process and dedicate resources to **support a neighborhood council/representative body for the Skid Row community**. Residents and workers should have a **direct channel** to express their voices on **all City decisions related to Skid Row, not just cultural and historic preservation efforts**.

Thank you for your time and consideration,

Kimberly Burns

On Sat, Dec 5, 2020 at 11:05 PM Yukio & Lilian Kawaratani <[REDACTED]> wrote:

Brittany,

Thank you for explaining the DTLA 20/40 Community Plan proposed densities for the Little Tokyo area. Do I have this correct?

Wow, the Little Tokyo and adjacent areas are all proposed to have a permitted by-right, zoning base Floor Area Ratio (FAR) of 2:1 FAR. This is a considerable downzoning, as the existing zoning for the area permits a 6:1 FAR, with no height limit. In the Village areas of Little Tokyo, the by-right height is 3 stories. If a project includes community benefits (like affordable housing), it can reach a bonus FAR maximum height of 5 stories and 6:1 FAR. In the proposed Community Center areas of Little Tokyo, if a project includes community benefits, it can reach a bonus maximum of 8.5:1 FAR.

A few notes for your information and consideration:

- o The 8.5 FAR bonus maximum seems excessive. A 6:1 FAR is recommended.
- o The Sustainable Little Tokyo and First Street North Plans have advocated to expand development of the community to Temple Street.
- o The Little Tokyo Service Center and Go For Broke Foundation are developing a five story high, affordable housing for veterans, on the triangular site, less the City parking structure, north of Jackson Street.
- o The Village area might be expanded to Temple Street. As a minimum, it should be expanded to include the Union Center for Arts site on Judge Aiso Street.

FYI, attached is a multicolored land use and building map of Little Tokyo that I prepared 2 1/2 years ago.

I support the DTLA 20/40 Community Plan proposed densities for the Little Tokyo area, as they will help maintain the character and scale of Little Tokyo.

I will email you my comments on the DTLA Community Plan proposed Village/Little Tokyo policies soon.

Yukio



OFFICES - SHOPS - RESTAURANTS

- 1 Little Tokyo Historic District  
• Koban and Visitor's Center
- 2 Japanese Village Plaza
- 3 Miyako Hotel
- 4 Little Tokyo Mall  
• Anime Jungle
- 5 Kajima Building
- 6 Double Tree Hotel
- 7 Weller Court Shopping Center
- 8 Union Bank Building
- 9 Federal Public Defender
- 10 Manufacturers Bank
- 11 Little Tokyo Plaza
- 12 Brunswick Square
- 13 Office Depot
- 14 Honda Plaza Shopping Center
- 15 Little Tokyo Marketplace
- 16 Little Tokyo Professional Bldg.

CIVIC - CULTURAL

- 17 Japanese American National Museum
- 18 Geffen Contemporary at MOCA
- 19 Go for Broke National Educational Center  
• National Center for the Preservation of Democracy
- 20 Go for Broke Monument
- 21 Union Center for the Arts  
• East/West Players
- 22 Japanese American Cultural & Community Center
- 23 Aratani Theatre
- 24 Little Tokyo Service Center
- 25 Little Tokyo Branch Library
- 26 Paul I. Terasaki Budokan

RELIGIOUS INSTITUTIONS

- 27 Koyasan Buddhist Temple
- 28 Nishi Hongwanji Buddhist Temple
- 29 Zenshuji Soto Mission
- 30 St. Francis Xavier Japanese Catholic Church
- 31 Higashi Honganji Buddhist Temple
- 32 Union Church of Los Angeles
- 33 Jodoshu Buddhist Temple
- 34 Centenary United Methodist Church
- Other
  - M Little Tokyo/Arts District Regional Connector Station
  - P Parking
  - Landscaped Plazas

HOUSING

- 35 Hikari
- 36 Savoy
- 37 Tokyo Villa
- 38 Miyako Gardens
- 39 Little Tokyo Towers
- 40 Teramachi
- 41 Casa Heiwa
- 42 Sakura Crossing
- 43 Wakaba LA
- 44 AVA Little Tokyo
- 45 AVA Little Tokyo
- 46 STOA
- 47 Lotus 77





On Thu, Dec 3, 2020 at 3:50 PM Jason Lee <[REDACTED]> wrote:  
Hello,

I am writing to ask the affordable housing only (iX1) zone for extremely low and poverty income level residents be expanded to the boundaries of the existing Skid Row neighborhood (from 3rd to 7th streets between Main and Alameda).

Furthermore the draft's focus on housing opportunities must be expanded to include extremely low and deeply low-income households. As HUD/HCD continues to adjust low and 'very low' income thresholds at a rate that exceeds that of actual media income growth, the gap between our so called affordable housing and market levels continues to close, and these units become less affordable to the extremely low and deeply low-income households that they are supposedly intended for. In order to address our affordable housing crisis we must include extremely low and deeply low income households in any affordable housing planning.

Sincerely,  
Jason Lee

----- Forwarded message -----

From: **Brittany Arceneaux** <[brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)>

Date: Mon, Nov 30, 2020 at 12:45 PM

Subject: Re: DTLA 2040

To: Judy Lee <[REDACTED]>

Hi Judy,

It's great to hear from you! Sorry for the delayed response. I'm just getting back to my emails after the holiday.

I apologize about the map. We are working on updating the zone string. The currency proposal for this block includes the MN1 form district. The draft zone should read: [MN1-MK1-5] [CX1-FA] [ -CPIO- - ].

Your comments have been received and filed. I appreciate your review of the materials and I will share your feedback regarding hotel keys and FAR limitations with the team. We are anticipating additional revisions to the plan before presenting the Plan to CPC in Spring 2021. Please see more details regarding the plan timeline [here](#) under "coming soon".

The department hired a group of consultants to analyze the feasibility of the draft zones. The summary report can be found [here](#).

In regards to the comment period, I completely understand your point regarding the magnitude of materials. We extended the DEIR comment period from 45 days to a total of 120 days. We are not anticipating an extension on the DEIR comment period. We are requesting that plan related comments be provided at the public hearing on December 8th or in writing by December 18th. If you would like to submit written comments on the plan after December 18th we are happy to take those comments, we will just be limited on what we can incorporate in the next draft of the plan.

Please let me know if you would like to discuss any of these topics further. I'm happy to set up a call.

Best,  
Brittany



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On Tue, Nov 24, 2020 at 2:57 PM Judy Lee <[REDACTED]> wrote:

Hi Brittany,

I hope this message finds you well. Happy holidays! Feel free to call me to discuss this:

I'm finding the zoning designations for Chinatown confusing. Using [801 North Spring Street](#) as an example, on the interactive draft zoning map, the zoning string is [DM2-MK1-5] [CX1-FA] [ -CPIO- - ] but the property profile is hyperlinked to the MN1 form district. Which one is correct?

I met with and have been asked by stakeholders who actually live, work and / or own property and businesses in Chinatown to review the DTLA 2040 documents relative to current land use regulations.

Generally, there is concern about the base allowances along commercial corridors. It appears that most of Broadway is designated for the MN1 form district which limits the base and maximum bonus FAR and height to 2.0:1 and 6.0:1 and

three and five stories, where most of the properties are currently designated as Regional Commercial and C2-2 which allow a 6.0:1 FAR, unlimited height and R5 density if we use the mixed-use exception, including no limitation on hotel keys. I have one active project in Chinatown where we propose 120+ keys; under the draft regulations, the project would be limited to 49 keys because of its CX1 use district designation. What is the rationale for limiting hotel keys in this way? No matter how large the lot or buildable area, a hotel project is limited to 49 keys..?

Regarding areas that are allowed a height of up to 12 stories to 15 stories: The general consensus is that construction typology and costs make 12- to 15-story buildings in the LA market unrealistic. That's why most buildings in LA are typically about eight stories (wood / podium construction) or 20-plus stories (concrete / steel). Projects don't "pencil" with steel construction unless they are a minimum 20-plus stories. I'm curious if DCP retained a consultant to analyze the economics of the proposed development standards?

Lastly, who should we speak with to request an extension on the comment period? Chapter 1A alone is 980 pages. I haven't even begun to review the CPIO and the community plan.



Regards,

Judy Lee  
Mobile: [REDACTED]  
Sent from a mobile device

On Thu, Dec 3, 2020 at 12:36 PM Hayk Makhmuryan <[REDACTED]> wrote:  
Hi Brittany,

I'm writing to submit public comments for the LA City Planning public hearing on Dec 8, 2020.  
Specifically about the critical importance of incorporating Skid Row Now and 2040's vision into the DTLA plan.

Please find video links to two public comments here:

- 1) From Hayk Makhmuryan: <https://we.tl/t-nhydKvowAZ>
- 2) From Ollie Linden: <https://wettransfer.com/downloads/6affc83845f7626dc45d2ae07f246d4120201203041348/0e9e3357196e9433274cb3240cc81f4520201203041409/5ab417>

Additionally, I'd like to submit a written comment for the record -

My name is Hayk Makhmuryan. I run a community arts space called Studio 526 in LA's Skid Row neighborhood, have been involved in Skid Row since 2008, and I organize around housing justice. Regionally, I am a member of Los Angeles County's Cultural Equity and Inclusion Advisory Committee.

I demand the expansion of the affordable housing only zone, the iX1 zone, with housing for extremely low and deeply low-income levels, to the existing legal Skid Row neighborhood boundaries, 3rd to 7<sup>th</sup> Street, and Main St to Alameda. This commitment to Skid Row boundaries is pivotal and key. In addition, I demand a commitment to tangible steps in implementing all the recommendations and points in Skid Row Now and 2040 vision (<https://www.lapovertydept.org/wordpress/wp-content/uploads/2019/06/SRN2040Vision.pdf>).

I'd like to use my public comment to drive home the point that with equity or even equality in mind, the Skid Row Now and 2040 vision--all point in it together--are the baseline, the critical minimum for real, meaningful, community improvement without displacement.

The current LA City Planning proposal decapitates and cuts off limbs from an already really hurting neighborhood. Skid Row is a working class poor residential neighborhood, with a large unhoused population, and it is a predominantly black and POC community. The fact that black and POC neighborhoods are hardest hit by the violence of poverty and stripping of resources



is chillingly predictable in our country.

This year has shown so clearly to all of us that institutional normalization of anti-blackness and criminalization of the poor affects us at every level, with black and brown lives disproportionately destroyed because of inequalities in housing, education, health care, justice system, many times over.

The white supremacist history and present in policies and laws is so key to understand how Skid Row is treated, that I believe its important to illustrate it further here. Paraphrasing and channeling Bryan Stevenson's work against white supremacy, let's imagine we were in present day Germany. Statistical evidence shows that Jewish citizens get disproportionately hit by housing, healthcare, and education inequities, as well as prosecutions and jail times; Jews are routinely excluded from jury service. Further imagine that neighborhoods populated mostly by Jews have the least resources available to them. And THEN, imagine the government proposes to take away 75% of one already deeply marginalized Jewish neighborhood.

That would be an international outrage.

I imagine that you do not think of yourselves as racist or anti-poor. Expanding the i X l zone to all of Skid Row is the absolute least you can do to be on the right side of history.

Thank you.

--

Hayk Makhmuryan

(pronouns: *he/they* (*what's this?*))

Art Worker, Community Organizer

*equitable access to arts, cultural, and social spaces is a fundamental human right.*

*love the people, decommodify life.*

[doodleswithoutborders.com](http://doodleswithoutborders.com)

*Please note I am out of the office every other Friday.*



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LOS ANGELES  
CITY PLANNING

**Brittany Arceneaux**

She, Her, Hers

City Planner

**Los Angeles City Planning**

200 N. Spring St., Room 667

Los Angeles, CA 90012

[Planning4LA.org](http://Planning4LA.org)

----- Forwarded message -----

From: **Brittany Arceneaux** <[brittany.arceneaux@lacity.org](mailto:brittany.arceneaux@lacity.org)>  
Date: Fri, Dec 4, 2020 at 11:23 AM  
Subject: Re: DTLA 2020 Program Feedback  
To: John Whitaker <[REDACTED]>  
Cc: David Waite <[dwaite@coxcastle.com](mailto:dwaite@coxcastle.com)>, Eric J. Cohn <[ECohn@coxcastle.com](mailto:ECohn@coxcastle.com)>

Hi John,

Thank you for providing this clarification. Your comments have been received and filed. We are happy to share the economic analysis. The document can be found [here](#). We are in the process of updating the report to reflect the change in affordability calculations. The calculation was recently updated to account for the total number of units within the project. I will share that updated document with you when it is available.

We would be happy to review your findings and share them with our consultant.

Best,  
Brittany



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On Thu, Dec 3, 2020 at 4:07 PM John Whitaker <[REDACTED]> wrote:

FYI Brittany in case you do not receive the general email responses. Thanks for all you are personally doing. John

John Whitaker  
[REDACTED]  
[REDACTED]

Begin forwarded message:

**From:** John Whitaker <[REDACTED]>  
**Date:** December 3, 2020 at 4:00:39 PM PST  
**To:** [planning.liaison@lacity.org](mailto:planning.liaison@lacity.org)  
**Subject:** DTLA 2020 Program Feedback

Good Afternoon: I thought it was a well organized and presented program yesterday. One minor clarification comment and request:

I believe Brittany stated that the TFAR Ordinance was adopted in the late 80s and it was timely now to update the cost for TFAR. I was involved in drafting the amended TFAR Ordinance in 2007 which had as its main purpose the updating of the TFAR PBP requirement to make it float as property values changed. We went from a fixed assumed value for the land in the original TFAR Ordinance to one based on an arms length transaction within 18 months of the TFAR application or a current MAI appraisal of the land to which the previously agreed upon 40% formula would then be applied. Thus, I do not believe it is fair to justify throwing out the TFAR process on the basis that it does not take into consideration the increasing land values Downtown. It does do that and equally important it gives certainty to the developer/investor on day one as to what its TFAR costs will be. It is certainly appropriate in today's environment to prioritize

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affordable housing as the most desired community benefit but that can be done without losing the benefit to the applicant of certainty up front which will not be subject to changes at CPC or City Council if the TFAR project needs to go there for final approval.

In the interest of full transparency, I think it would be helpful if we could see the consultant report upon which Planning will rely for its various affordable housing percentages after it is updated as was suggested in the program. I am working now with a Downtown developer to quantify the actual loss to the developer of providing affordable housing in its new high rise tower at each affordable threshold as determined by HCID LA. I believe our findings could be helpful to your consultant in creating realistic thresholds for all to follow and actually produce onsite affordable housing.

I would be more than pleased to discuss this further with any of you if you would like to do so. Thank you for your continued efforts to complete this tough but important task . John

John Whitaker  
[REDACTED]  
[REDACTED]

On Wed, Nov 18, 2020 at 11:06 AM Dorothy Fue Wong <[REDACTED]> wrote:

Brittany,

I did not receive an email concerning the November 17th meeting.  
Is there another opportunity for a session like this?

I like to add information about the Legacy Businesses program (for Little Tokyo, Chinatown, and other ethnic communities). It is a program that the LA City Council is in the process of supporting. Curren Price's office is in charge of introducing this program —with support from Ken Bernstein from the City and the LA Conservancy.

Dorothy

Sent from my iPad