


INITIAL SUBMISSIONS

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Los Angeles City Planning Commission
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June 15, 2021

RE: DOWNTOWN LOS ANGELES COMMUNITY PLAN UPDATE, “DTLA 2040”

Commissioners,

As we prepare to embrace the momentous task of updating the Downtown Los Angeles Community Plan, we must view the task before us through the lens of improving the quality of life for every single individual and family who lives or works in this historic center of Los Angeles: the housed, unhoused, and even those visiting from out of town.

In the years since the plans were last updated, much has changed in Los Angeles – especially in our Downtown neighborhoods. As we know, the number of people experiencing homelessness in Skid Row and the surrounding areas has increased. Businesses weathering the economic storm of COVID-19 have struggled, or been forced to shut their doors.

The challenge before us is not so much a challenge, as it is an opportunity to create a vibrant community – from Little Tokyo to South Park to the Historic Core, and Skid Row, and in each of the “Districts”: Arts, Toy, Fashion, Flower, and Financial. This is a chance to jump-start Downtown Los Angeles’ (DTLA) recovery and build livable neighborhoods that Angelenos will be proud to call home.

As the elected representative for the majority of the new Community Plan Area, I am honored to have the opportunity to work with this body and my constituents in finalizing this plan update, one that began long before I took office, and which will hopefully guide the City for years to come.

Downtown Los Angeles is the epicenter of development in Los Angeles, as well as the transit and entertainment hub of the city. What was once a nine-to-five business outpost that cleared out on evenings and weekends has grown into one of the region's biggest economic and business hubs. It has the potential to become a world-class urban center – but we have work to do.

Angelenos who work in DTLA should be able to afford to live in DTLA. Families young and old, raising children and grandchildren should feel safe walking down the street; and entrepreneurs who start their business here should be able to thrive. That's why I've spent the months since taking office listening to the many voices who have shaped this plan: Downtown residents (housed and unhoused), business owners, community service organizations, and developers of market rate and affordable housing. I have reviewed current proposed projects from the larger Transfer of Floor Area (TFAR), and General Plan Amendments down to the Conditional Use Permits and Cannabis Retail requests. I've been to the Frank Gehry project The Grand, on the span of the 6th Street Bridge, and at the entrances of the tents lining Skid Row.

Alongside the skyscrapers, restaurants, luxury high-rises, museums and concert venues is abject human misery – ground zero of a humanitarian crisis that manifests itself in an ever-growing community of people left to face the harsh realities of living on our streets.

Although a land use plan alone is not a cure-all for the intersecting crises of housing, poverty, mental illness, and addiction, it can be part of a holistic approach to improving the affordability and quality of life for a deeply historic community that is rich in both diversity and culture. The current reality is, most Angelenos cannot afford to live Downtown. Our city is warming rapidly, and the lack of green space and abundance of concrete in DTLA creates a brutal heat island. The economic divide is growing, and time is running out to clean the air we breathe and the water we drink. This is our reality, and it must inform the urgency with which we respond to these challenges, and rise to meet the needs of our city.

It is with this in mind, that I share my first and highest priority goals for DTLA 2040. I want to note that this is only the beginning of a dialogue. This letter is not comprehensive of all the issues and diverse visions for Downtown Los Angeles that we need to address as we publicly review DTLA 2040. I fully anticipate that your Committee will need to hold additional public hearings on the plan and that more time will be needed by the Planning Department to respond to the many new comments received since the last materials were released two weeks ago. I request that generous time be given between these two hearings to accommodate review and leave time for additional discussion and more detailed input before your final recommendations are submitted to the City Council.

It's crucially important that we adopt a new plan for Downtown Los Angeles, and that the plan represents the best of all our knowledge, discussion and review. To that end, I am focused today on how we might further cut through the process to **simplify** and **increase** the production of affordable housing, what the largest changes in land use in Downtown Los Angeles will be, and how we craft a thoughtful economic policy for Downtown that will support workers of all incomes and help us recover from the impacts of the COVID-19 pandemic.

Production of New Affordable Units:

My vision for our future Downtown is one where the workers in Downtown can also afford to live in Downtown. A dense, mixed income community that has quality public transit, decreased personal vehicle ownership, electric cars and trucks, wide sidewalks with healthy street trees, public open space and a thriving small business and arts and culture community - a complete city inside our City.

As your Commission knows, most of the tall buildings rising to twenty, thirty, forty stories or more in Downtown Los Angeles provide fewer units of onsite affordable housing than new six or seven story Density Bonus or Transit Oriented Community projects (TOC) in other parts of Los Angeles. Additionally projects which use the Transfer of Floor Area Ratio (TFAR) program are exempted from the Affordable Housing Linkage Fee Ordinance (Linkage Fee). As a result most of the residential skyscrapers in Downtown today have zero onsite affordable housing and do not contribute to the Linkage funds.

In order to address this lack of affordable housing the new DTLA 2040 Plan proposes a “base bonus” incentive system modeled after Density Bonus and TOC. Under this system, “base” projects which use the base heights, density and Floor Area Ratios will provide no affordable housing, and no additional benefits. Residential projects which want to increase above this base will provide affordable housing units and then a series of additional benefits such as open space, historic preservation credits and so on.

The alternative to an incentives based affordable housing program is a mandatory inclusionary housing program. Provision of mandatory onsite ranges of affordable housing from extremely low to moderate income units will be better for everyone. Los Angeles created housing incentives programs such as the Linkage Fee, and the TOC program during a time period when inclusionary programs were under legal attack, as the next best thing to inclusionary. But the State of California has since fixed this issue legislatively and now many jurisdictions in California have adopted inclusionary housing, including the County of Los Angeles. I’m pleased that my colleague Councilmember Cedillo has already proposed that the City adopt a Citywide Inclusionary Housing Ordinance. I support inclusionary housing as a whole, and particularly in Downtown Los Angeles.

Inclusionary housing has several benefits as compared to incentives or fee based housing programs. The first and primary benefit is simplicity. An interlocking system of benefits and fees such as the base bonus system is complicated. Complexity adds time and cost. In-lieu fees and trust fund payments are not transmitted until the projects are either finished with their review or issued certificates of occupancy, which means that the City cannot use the fees right away. Time is lost again in selecting projects through City processes and in building. This is a major issue in the provision of affordable housing - the City is already behind in increasing the supply of affordable and protected housing. In comparison, mandated on-site affordable housing becomes available at the exact same time the project is completed, which means that each unit is more quickly available.

A final benefit of inclusionary housing is that it separates the need for affordable housing from the decision by a developer as to whether or not to maximize the site. In incentives based programs, developers may find the market supports a smaller project to avoid the levels where housing incentives kick in. In an inclusionary program, all levels of the project will need to provide a percentage of affordable housing, therefore increasing the project density will no longer be related to whether or not the increase in project size is offset by provision of affordable housing. I believe this change will incentivize use of the bonus system in and of itself.

I ask your Commission to support me in recommending that the Downtown Los Angeles Community Plan become the first new plan update to implement an Inclusionary Housing Ordinance. We cannot wait for the Citywide Inclusionary Program when the opportunity is here right now to create a new baseline for affordable housing that will affect the greatest concentration of future residential units in the City. The plan is projected to add 176,000 new residents by 2040, and these residents cannot all live in above market rate housing.

Secondly I believe that we must do more to ensure that 100% affordable housing projects are entitled to the best options in project streamlining and the highest level of bonuses possible. As introduced in my Council Motion [21-0054](#), I am paying close attention to the process of affordable housing project review.

The DTLA 2040 plan should be designed to pair with process improvements by offering advantageous zoning and use standards that will provide fully affordable housing projects the greatest possible flexibility to maximize sites and minimize complicated review. The Community Plan Implementation Overlay Ordinance establishes additional incentives for affordable housing projects and I support this and any additional recommendations to offer every type of affordable housing project; from temporary and transitional shelters; to adaptive reuse; to ground up new builds a simple by-right process which will yield the greatest number of units on site and cut through the bureaucratic maze.

Housing Preservation:

I support aggressive protection for Downtown's historic affordable housing stock. The commitments made in previous plans have been continually undermined - the City and other government agencies have a long history in Downtown of pushing poor communities further away from the power centers of the area from Bunker Hill to Skid Row. Therefore, I will be looking closely at the recommendations provided by community stakeholders, the City Planning Department and this Commission on how to stop loss of existing affordable housing protected in any prior plans, covenants and programs. We have an obligation to ensure the City makes these commitments real and measurable and to provide transparency and accountability.

Skid Row:

Any discussion of a future plan for Downtown Los Angeles must include discussion of the policies and practices which will apply to Skid Row. Such discussion is always going to be challenging. The communities centered in Skid Row have complex needs that go well beyond land use and zoning. Zoning is an inadequate tool to express the entire vision of a community.

However, Skid Row was also shaped and changed through land use policy and practice and it is therefore crucial to consider if what we do together in this plan will protect or harm the community as a whole.

That's why it is important to note that the community boundaries of Skid Row should not be confused with the zoning designation of Ix1. I acknowledge the community boundaries of Skid Row are Main Street to Alameda Street and Third Street to Seventh Street. Many interrelated service providers of social housing, recovery services, arts and culture programming, and medical care exist in a radius around the proposed Ix1 zone and they too are part of what Skid Row is today. The zoning use of the Ix1 is not the entirety of what Skid Row is or where it is located, even though much of the discussion around Skid Row centers on this proposed zone.

From my perspective, the proposed Ix1 hybrid industrial and affordable housing zone is essentially "no change" zoning that acknowledges the critical epicenter of service providers of affordable housing, recovery services and medical care in a portion of Skid Row, which are currently within an industrial zone. It allows what currently exists, to continue to exist. I understand the legitimate concerns that such zoning concentrates poverty. However, if the Ix1 zone were changed to allow market rate housing, the historic patterns of change in Downtown Los Angeles would indicate that poor residents would be pushed out over time, and as it currently stands, there is nowhere else for them to go. The new plan will be densifying and allowing changes on all sides of Skid Row. Residents and stakeholders in Skid Row have entirely reasonable fears, backed up by historical patterns and decisions in Downtown that they will be displaced without some specific plan protections.

Therefore, I support holding the line on the zoning of Ix1 until such time as there is ample supply of permanent supportive housing Citywide or some alternate plan that will ensure many locations across the City offer both social support services and transitional housing. Here too, I see the provision of inclusionary housing and the protection of existing affordable housing in all of Downtown Los Angeles as also crucially important to decreasing the hard lines between Skid Row and the rest of Downtown.

Within the full community boundary area of Skid Row, I also recommend our policies address sensitive uses. While I don't believe that liquor or cannabis uses are inherently negative uses, many residents of Skid Row are in recovery or newly entered into sobriety. As such, within the Skid Row boundaries, there should be no further expansion of additional alcohol and cannabis retail uses, the number of existing licenses should be reviewed and capped, to ensure that as the areas around Skid Row change, the community is not flooded and Skid Row is reasonably buffered from neighboring districts. Downtown has a high concentration of these uses already. During the COVID-19 pandemic bars and restaurants became able to offer liquor to go and to offer expanded outdoor alcohol service. In most areas in the city these new options have been welcome changes, but in Skid Row, this expansion may have negative impacts on our residents.

Industrial Zones:

Currently Downtown Los Angeles is zoned so that 41% of the plan area is zoned industrial. Within this 41%, 17% is M2 Light Industrial and 24% is M3 Heavy Industrial. In the new plan,

17% of Downtown Los Angeles will remain a more traditional type of Light Industrial zoning, in two zones known as I1, at 5% and I2, at 12%. Heavy Industrial Zoning will be fully removed. The other four zones will be Hybrid Industrial Zones allowing for an assorted mix of additional residential and commercial uses including hotels, daycare, pre-school through high school, offices, and homesharing.

This is potentially the largest single use change to the City's Industrial Zones to ever occur in Los Angeles. Some of these changes are focused on areas that have already experienced some residential infill from the Adaptive Reuse Ordinance or General Plan Amendment projects and some areas will welcome the changes. However, I have concerns that the expansion of sensitive uses, particularly those for children such as daycares and schools may be in conflict with the existing neighboring industrial uses.

I have serious concerns that blue collar jobs and businesses or arts and artisan production may be pushed out in favor of a hotel, office, and residential mix that could be accommodated in all other parts of the City and the rest of Downtown. Moreover, I am concerned that the artists and small business owners whose hard work created communities in Downtown will suddenly be unable to afford workspaces in Downtown. I do however, want our industrial zones to become more walkable, more green, more vibrant, more adaptable to future industries, and more flexible for both large industrial uses and smaller workshops and businesses. If we are allowing for new housing, in most of our Downtown Industrial zones, I want this plan to fully consider which types of housing are appropriate and where.

I come to you with these concerns so we can start to have a public dialogue. I am listening to all the input and I particularly welcome the input of this Commission which has reviewed so much of the ongoing change in the area over the last two decades. We must work together thoughtfully with the Planning Department in considering if this plan has fully explored the unintended consequences of these hybrid industrial/residential uses. While many of the proposed uses have existed at some level in the industrial areas of Downtown for many years, such as in Skid Row, or the Arts District, in all such cases industrial uses were still the primary function of the area and this plan will change that, for better or worse. It is my goal that such change will be positive.

Hotels:

In general I support regulations to simplify the development process - to reduce project-by-project review and shorten approval timelines. Good regulation does not result in tailored case-by-case conditions unique to each site that must be constantly monitored and enforced. However, the call to require a Conditional Use Permit for hotels in Downtown Los Angeles is one which merits serious consideration, and I welcome the input from this Commission as to their thoughts and discussion on this subject.

Hotels in the new Hybrid Industrial zones are currently proposed to require discretionary review. Additionally, I have specific concerns about hotels that convert existing units of housing to hotel uses, sites where housing is demolished and a hotel is later proposed, or historic hotels that change from the Single Room Occupancy (SRO) into other models (particularly those hotels

subject to the Wiggins Settlement Agreement), and hotels which intend to request Incentive Agreements from the City. The DTLA 2040 Plan does contain some language for preventing some of these scenarios, but in all such cases, I would support additional time for public input and consideration of whether or not the hotel is replacing existing jobs or housing, adding new local employment and is a hotel type that is needed under the Los Angeles Tourism Master Plan. Downtown must balance the needs of visitor serving uses with those of residents.

Simplify The Bonus System:

By changing the DTLA Community Plan to require inclusionary housing, the Community Benefit program can correspondingly be simplified. To that end, I also ask the Commission to thoughtfully consider the proposed Community Facilities incentive category. It has an admirable aim to create onsite uses and spaces that are very much needed in Downtown Los Angeles. However, I am not yet fully convinced that the City currently has the technical and staffing capacity to monitor and maintain these quasi-public spaces in privately owned properties and this may create unintended consequences and additional review times in years to come.

Consistency Review:

There are a substantial number of larger projects across Downtown Los Angeles which have applied for entitlements in advance of this DTLA 2040 plan update. In reviewing these Downtown projects which may be heard at your Commission and the City Council concurrent with our public review of the DTLA 2040 Plan, or after we have adopted this new plan, and before it is in effect, I am requesting that the Planning Department add an additional section to their staff reports that analyzes each project's compatibility with the proposed DTLA 2040 plan and whether or not the project will be a conforming use in the future plan. Currently there are projects under review requesting changes to the zoning and land use designations. What is special about the Community Plan update is that these current zone and land use change applications are asking to change to zones which will soon cease to exist.

When the new DTLA 2040 plan is updated these applicants should know if these projects will become immediately non-conforming in their new zones and as decision makers we must use that information to guide our recommendations. A public and informational conformance review would be preferable to implementing a pause on all projects in DTLA that seek to change their zoning until such time as the plan is in effect, which would be the other possible way to prevent projects that may be in conflict with the future zoning and land use.

Small Business Recovery:

Many of the letters I have received from community members regarding the Downtown Community Plan Update mention the need to help local small businesses thrive. In particular, as Downtown recovers from the impacts of the COVID-19 pandemic, I am encouraged to see policies which support small businesses, such as support for commissary uses that will help food trucks and street vendors. Thoughtful policies which strive to ensure DTLA stays a cultural hub

are needed and should be coordinated with the Economic & Workforce Development Department and the Department of Arts and Culture. In particular, I support efforts to ensure local hiring and local education in Downtown Los Angeles.

I also support the policy language from the Hollywood Community Plan which calls for the development of a pre-qualification process that evaluates contractors on their record and commitment to high road wage and benefit standards and local hire training. We must do everything we can to support the ecosystem of workforce training in Downtown Los Angeles.

Additionally, I note several letters that mention that daycares and preschools are capped at 50 students in the Plan. This cap should be lifted. Downtown needs more childcare options to support workers and residents. State regulations and local fire codes should be able to address the adequate staffing and occupancy requirements for local child care. I agree with my constituents that this cap does not seem necessary at this time to solve any particular zoning issue.

Parking Program:

The new community plan removes parking minimums for new projects in Downtown Los Angeles and permits new parking spaces to be “unbundled”. I support this increased flexibility in Downtown. Additionally, I would request that the Commission consider whether we should institute a by-right program to allow all current and existing parking to similarly be reduced and unbundled, so that by-right changes of use are not held up by parking requirements that new buildings are not required to meet. This step may also help businesses in Downtown recover from the events of the last year and would increase consistency in project review.

Conclusion:

We often speak of Downtown Los Angeles being a microcosm for the challenges the rest of our city is facing – but it is also a proving ground for the world-class future we envision for all of Los Angeles. This is where we will create and test best-practices for expanding and protecting our affordable housing stock and housing our unhoused neighbors. This is where we will expand and develop our iconic skyline; and incubate a car-free lifestyle that can be replicated across the city. We will fight to preserve our existing small businesses, and foster a resurgence of new residents, jobs, and open space.

As I said the day I took office for Council District 14, we must use our authority as leaders to shape development in Los Angeles, to create transparency, predictability and contain the costs of construction. We must make sure every bit of the process is designed to prioritize, accelerate and expand affordable housing and provide support to our unhoused residents with speed. The DTLA 2040 Plan is a welcome update to replace older regulation with new ideas, new innovation, and explicit priorities to prevent gentrification and still spur new development; to create a better, cleaner, and equitable Downtown. I am honored to work together on the DTLA 2040 Plan, to move forward into a better future for every resident and visitor.

Lastly, I want to thank your Commission, the staff of the City Planning Department and the stakeholders in my district for all their hard work. I know we're approaching the end of this lengthy and overdue update and as we work together to finalize the DTLA 2040 Plan.

I look forward to working closely with each of you.

Sincerely,



KEVIN DE LEÓN

Councilmember, District 14

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September 13, 2021

**RE: SECOND LETTER REGARDING DOWNTOWN LOS ANGELES COMMUNITY
PLAN UPDATE: "DTLA 2040"**

Commissioners,

Thank you for your willingness to continue the scheduled August 26th discussion of the Downtown Los Angeles Community Plan Update ("DTLA 2040") to allow myself and my colleagues in Council Districts 1 and 9, the Honorable Councilmembers Cedillo and Price, the opportunity to continue to conduct outreach with our constituents in Downtown Los Angeles. DTLA 2040's objectives are far too important to rush and I particularly appreciate your support for ample time to offer a transparent and public dialogue between your Commission, Council Offices and the DTLA community as a whole.

In my June 15th letter (attached) to this Commission, I identified my primary task for Downtown Los Angeles as, "focused on how we might further cut through the process to simplify and increase the production of affordable housing". I offered an outline of my key concerns with the draft plan and my suggestions for the solutions. After your Commission hearing of June 17th, my staff and I have been engaged in a robust listening tour with multiple and various stakeholders in my district. We informed these stakeholders that we honor the work they and the Planning Department have put in over the years on this plan and articulated my intent to refine this vision and my desire to provide cutting-edge solutions that Downtown Los Angeles will require in the years to come. Thanks to that additional time and dialogue I am pleased to provide this Commission with additional specificity regarding my vision and goals for DTLA 2040.

AFFORDABLE HOUSING POLICY:

- **Inclusionary Housing.** I continue to call for the creation of an Inclusionary Housing Program as a component of this plan as an alternative to the affordable housing tiers represented by the proposed Base-Bonus Program. The reality is that even generous market incentives have not historically produced anything close to the amount of affordable housing the City needs. We must identify our desired outcomes, and work backwards to figure out what portion of affordable housing is required to be built by both the private and public sectors to meet the need. I am also open to any alternative methodology from my colleague Councilmember Cedillo regarding his, “goal of incorporating a minimum 20-percent set-aside of affordable housing in new development.” Inclusionary housing is in effect in many jurisdictions today and I remain convinced that is the best method to create the greatest increase in real units of onsite affordable housing in Downtown Los Angeles.
- **Opposition to waiting for a Citywide Inclusionary Ordinance.** An Inclusionary Housing Program is already underway in the City of Los Angeles. The work is in process at City Planning as directed by City Council. I have heard the argument that in the interest of time, DTLA 2040 should proceed with the Base-Bonus Program today, and wait for the Citywide Inclusionary Housing Ordinance to “catch up” with the plan later. I do not support this suggestion. In this time saving suggestion, Downtown would have to change affordable housing programs three times in a few short years, from the current system, to a brand-new Base-Bonus Program and then reconcile that program with a Citywide Inclusionary Housing Program. This will not save time or free up resources needed to move on to other Community Plans. It will cause impacts to Downtown projects passing between applicability deadlines. It is reasonable to do the work now to ensure that we minimize the need to re-write the DTLA 2040 plan immediately after we adopt it.
- **Simplify Housing Development.** The DTLA 2040 plan already offers substantial process offsets by decreasing discretionary review and minimizing parking standards that should help balance the cost mandates of onsite affordable units. I am entirely open to considering what other offsets in terms of additional reduction in impact fees, permit review times, or tax credits can be made possible to achieve an inclusionary housing program that will “pencil”. With an inclusionary program I believe that Floor Area Ratios (“FARS”) can be significantly simplified and “base” FARs could become far less limited in most of Downtown. Where sensitivity exists for historic and cultural preservation, or community self-determination, height limits and other tools can be easily used as mechanisms to facilitate preservation and prevent displacement.
- **Affordable Housing Must Meet the Need.** It is critical that the DTLA 2040 definition of affordable housing is focused on the areas of greatest need, starting with every category of Low Income. I have stated before that I do not consider what is known as “workforce housing” income ranges to be considered part of my definition for affordable housing. I certainly welcome any and all housing that is affordable to the majority of Angelenos, however, from a policy standpoint I will be watching closely to ensure that our City policies generate units that serve communities of greatest need.

- **Affordable Housing Preservation is Critical.** The City cannot afford to lose existing units of affordable housing. This plan must assure that every possible tool is utilized to retain existing protected affordable housing units and prevent losses. In particular, I support any additional work between the LA Housing Department and City Planning to ensure that expiring housing covenants in the DTLA 2040 Plan are given tools to be renewed or permanently preserved.
- **Tenant Protections are Critical.** I support the comment letters that call for additional protections against tenant displacement. We require Citywide tools to better protect tenants. Some of these tools lie outside the development process, but we must also provide regulations in DTLA to ensure that new projects are not given the green light when tenants are taken advantage of or displaced. I support development of additional specific findings or clearances that will protect tenants in development processes and set standards for levels of displacement that are automatic grounds for rejections of permits or denial of discretionary approval. Replacement units must not be counted towards the mandatory new affordable units required in new buildings unless such sites are designated for permanent 100% affordable housing development.
- **Ensure Public Facilities Zoning Fully Supports Public Housing.** The description for the Public Facilities (“PF”) General Plan land use designation states that “Housing is not typically associated with Public Facilities but may be permitted on a limited basis”. I do not accept this definition for future use of public land and I oppose any self-imposed limitations that would slow the production of public housing. Public housing production is changing rapidly and publicly owned land should have every barrier to production of affordable housing by a public agency or under the purview of a public agency removed immediately. Currently the City’s residential density of PF land is modeled on neighboring zones. This has already restricted the City’s own ability to offer higher volumes of public housing on public land. PF Zones, especially in Downtown Los Angeles should be proactively designed to accommodate high density public housing.

CONCERNS REGARDING THE BASE-BONUS PROPOSAL

- **Base-Bonus Does Not Honor the Creative Spirit of Downtown.** DTLA is unlike any other part of the City of Los Angeles. I have yet to hear a resident in Downtown Los Angeles come before a public hearing on a large project in DTLA to object to a project for “being out of scale”. I am aware how unusual this is for Los Angeles as a whole. In reviewing the letters and comments from downtown stakeholders I see an overwhelming desire for growth, for change, for density. Many of their comments asked for even more ambitious growth in DTLA 2040. Reducing existing allowable FARs and other zoning to extract public benefit bit by bit is not in the spirit of the community that created Adaptive Re-use, the Greater Downtown Housing Incentive Area and the removal of all parking minimums.
- **Base-Bonus Equals Less Public Benefit in Larger Projects.** It is my preference that more community benefits are extracted from larger projects. This is consistent with the Department of City Planning’s intent where they explain the Base-Bonus Program as “Developers are allowed to build larger buildings in exchange for providing benefits that serve the community, such as open space, schools, affordable housing or small business

protections.” However, FAR is not an accurate measure of a project’s relative “largeness” relative to its neighbors or Downtown as a whole, which is why I do not support the Base-Bonus program. Sites which meet the base will contribute no public benefits at all, and larger sites may contribute disproportionately lower benefits. As an example, compare two proposed Arts District General Plan Amendments projects currently in entitlement review. The first has a proposed project FAR of 4.4:1. This project proposes over 1,600 residential units, 400 hotel rooms and upwards 400,000 of commercial square footage on a 15-acre site. Two of the project towers would become the 7th and 11th tallest buildings in Los Angeles. Meanwhile there is another Arts District project with an FAR of 6:1. This project has only around 340 units of housing, and commercial square footage closer to 200,000, on a 2-acre site. DTLA 2040 zoning would assign each a base FAR of 1.5. The bonus maximum is up to 6. If these two projects were being reviewed under the DTLA 2040 plan, the larger project would be required to provide benefits that would get them a 2.9 FAR increase. The smaller project would have to provide 4.5 FAR’s worth of benefit.

- **Alternative Measurements for Project Scale.** Fortunately, Los Angeles City Planning already has alternative tools that do not rely on FAR to consider relative project scale. For instance, the Transportation Demand Management Program groups projects by relative traffic impacts in order to provide a set menu of programs to address that traffic. They provide a preset menu of “small, medium, large and exempt” projects and for each project type the developer is given a menu of options to choose from. This approach would work as an alternative for assigning measurements of benefits that apply for any non-housing based project benefit.
- **Retain Community Benefits.** In shifting from a Base-Bonus Program, all of the desired DTLA 2040 benefits can and should be maintained. Inclusionary housing becomes the primary benefit for residential portions of a project, and all other benefits apply to the commercial portions of the project, with the program tailored to prepare a suitable menu of options relative to the project’s scale. The objective of providing robust public benefits from projects in DTLA must be strengthened, not undermined.

DOWNTOWN COMMUNITY BENEFITS FUNDING

- **Create Greater Flexibility for Community Benefits Fund Eligible Activities.** I would recommend that defined eligible projects be established through administrative guidelines approved at City Council, to allow new categories to be added as necessary, with the Community Benefits Fund Oversight Committee given the role of recommending new categories as needed. The current list of permitted uses is extremely limited. For instance, as currently written the Community Benefit Fund would not be able to fund public art, public street furniture, shade amenities, public electric vehicle charging, a health care center or a grocery store in Skid Row, renovation of historic buildings, wayfinding programs, repair of historic terrazzo sidewalks, community rooftop gardens, tree plantings, bio swales or additional transit amenities, such as elevators at Metro stations. This list of excluded uses is made up of requests made by stakeholders in DTLA. The Community Benefits Fund must be well managed with administrative transparency and

strong oversight in reporting how decisions are made and funds are spent so that members of the public can easily track the program. At the same time the fund must remain innovative and open ended to remain responsive to Downtown's needs.

- **Enhanced Infrastructure Financing District.** There are requests for additional funding sources to support the massive anticipated growth in Downtown Los Angeles, such as creation of tax increment programs, namely an Enhanced Infrastructure Financing District ("EIFD"). An EIFD has potential, implemented alongside the community plan, to bring substantial revenue for affordable public housing, public transportation and new park space to support the planned increase in residential density. Downtown Los Angeles will need substantial public investment to support the necessary capital improvements and public infrastructure that the residential and economic growth under DTLA 2040 will require. I wish to note for the Commission that I too support creation of an EIFD and I am actively working with the Economic Workforce Development Department on an EIFD analysis for Downtown Los Angeles. I look forward to future public meetings to discuss the proposal.

HISTORIC PRESERVATION & COMMUNITY CHARACTER

- **Support for Historic Preservation.** While I believe that Downtown Los Angeles is able to capitalize on additional density opportunities, and provide greater onsite affordable housing opportunities through an inclusionary housing program, I do not wish to see historic preservation undermined in Downtown Los Angeles. I am supportive of DTLA 2040's strong commitment to retaining historic assets in Downtown Los Angeles and interested to consider where such tools may be deepened as has been suggested in public comment. I do not wish my support for an alternative to the Base-Bonus program to be misinterpreted as an intent to weaken protections for historic resources, which are critical components of a culturally and economically vibrant Downtown.
- **Support for Legacy Businesses.** I strongly support enhancing the resiliency of locally owned legacy businesses. Particularly as the City's service sector recovers and responds to the economic pressures of the COVID-19 pandemic, we have a responsibility to ensure that local independent businesses are given every resource they need to thrive.
- **Little Tokyo Community Self-Determination.** While I support a higher base FAR across the majority of Downtown Los Angeles, I respect the longstanding tradition of community self-determination and advocacy in Little Tokyo, and the immensely significant cultural and historic resources within Little Tokyo which are critical to retain as living monuments to the complex history of Japanese Americans in Los Angeles and the United States as a whole. I commit to supporting the self-determination and self-identification of this community as a whole and the Planning Department's efforts to tailor specific additional regulations that respect the intent of Community Design Overlays, and former Community Redevelopment Plans.

A PLAN FOR SKID ROW & IX1

- **Ix1 and Skid Row Consensus.** The proposed Ix1 zone in Skid Row has both detractors and supporters. My office and your Commission have heard strong opinions calling for either the total abolishment of the zone or its expansion. My office has met with representatives of both sides, and I believe it's critical to observe that each side is composed of deeply compassionate, thoughtful individuals fully committed to Skid Row's future and located within the boundaries of Skid Row. Service providers to unhoused persons fall on both sides of the issue. Regardless of the position that individual takes on the correct zoning for Skid Row, there is widespread agreement that the area needs more community development. Skid Row needs services such as a grocery store, family care, health care, job training, and cultural programming. Existing businesses need support to stay operational. Public amenities such as street trees, ADA accessible curbs, well maintained public restrooms, and pedestrian lighting are also critical. All of this work extends well beyond the land use.
- **Conditional Support for Ix1.** In consideration of both sides, as of this point in time I continue to support Ix1 as currently mapped. I have done so because I believe that if we opened the Ix1 zone up to market rate development today there is not enough of a Citywide framework in place to prevent displacement of unhoused residents and too little transitional housing and social service provision Citywide to accommodate the need. However, I do think we need to consider when and in what circumstances the IX1 zone will no longer be necessary. I believe that enough progress will be made on the root causes of homelessness, and the creation of transitional housing and permanent housing across the entire City that we can anticipate a time when no one will be forced to sleep on the streets. I pose the question to the Department of City Planning and this Commission of what real progress looks like. How will we measure when Skid Row is no longer ground zero of the unhoused crisis, and what benchmarks indicate meaningful progress has been made in offering unhoused residents shelter? In future decades when affordable housing and supportive services are available across the entirety of Los Angeles, what additional land use tools will best allow Skid Row's residents, service providers and locally owned small businesses to continue to grow and thrive?
- **Skid Row Self-Determination.** More than anything it is clear that the future ideal state of Skid Row cannot be imposed on Skid Row from the outside. It must be through in-depth dialogue with the key stakeholders and it must be focused on a framework that extends well beyond land use. I am committed to continuing this dialogue and planning work beyond the timeframe of DTLA 2040, to build a consensus-based strategy as to priority projects, services, and investments within the community.

PLAN CONSISTENCY:

- **Projects Currently in the Pipeline.** In general, I have no objection to General Plan Amendment projects which are JJJ compliant in DTLA moving forward expeditiously, provided that any public hearings held for these projects between now and the adoption

of DTLA include disclosures from the Department of City Planning as to the project's overall future consistency with DTLA 2040. This information will ensure that the Commission, the City Council and the public are fully aware of this context in our discretionary deliberations. I believe this approach is superior to pausing projects which may have been delayed due to the COVID-19 pandemic. For projects that predate JJJ approval, I expect these projects to make a good faith effort to become as JJJ compliant as possible and avoid incompatibility with the overall principles of the Draft DTLA 2040 plan. In no instance does this general process recommendation constitute my specific support for any specific project in DTLA prior to my input or determinations at public hearing.

- **Develop A “Very Large Phased Project” Planning Process.** Several projects in Downtown Los Angeles are massive in scope and require something akin to a Specific Plan or Master Conditional Use program. Projects which will change over time or be built in phases, like college campuses, studios, and major mixed use developments benefit from specific planning. The DTLA 2040 Plan and Re:Code should anticipate this process to create a tailored discretionary review and approval planning process for the very largest projects to ensure that such projects develop a specific long term planning and land use program and implement objectives for development which require phases over many years or even decades. The creation of such a program will ensure public input on the largest downtown projects and allow for careful crafting of public benefits.
- **Corridor Consistency.** Comment letters from several groups raised instances where zoning changes from one side of a major street to the other. I support these requests for Planning Department review to ensure that the design of streets are designed with continuity in mind so that streets do not feel substantially different in character and form on either side of the street, even where the use differs.
- **Alternative Substantial Compliance Program.** I note the comment letters that express reservations about the design of the Alternative Substantial Compliance Program established by Re:Code. Determinations made for Alternative Substantial Compliance must be made digitally publicly accessible and searchable so that a transparent public record of these decisions is available in order to inform larger policy. The Planning Department should also consider if there's a process where Alternative Substantial Compliance decisions can become standard practice on future projects to create an interactive code update that learns. Lastly, I request that the Planning Department or the City Attorney clarify the issue raised regarding Alternative Substantial Compliance appeals- in the instance that these determination interpretations of the code are not appealable by the applicant or concerned parties what will the relationship of this determination be in regards to Building and Safety Permit Appeals?
- **Re:Code Analysis Tools.** I have seen a request to your Commission from the LA Fashion District to change from IX zoning to CX zoning. When my office first reviewed the new categories of IX zoning the Department of City Planning helpfully provided my staff with a table comparing permitting for uses in the M2 and M3 zones against the proposed permitted uses in the Ix1-4 and II1&2 zones. I believe such a tool comparing current zoning in the Fashion District against both IX and CX zones would be immensely helpful in considering this zone change request and any others in terms of what is similar and what is different between the two zones. Providing use code “before and afters” to the public as a whole would be a helpful tool for digesting the implications of zoning

code use changes in the new code, especially as requests are made to change from one new zone to another.

ARTS DISTRICT RECOMMENDATIONS:

- **No Height Reduced Below Current Zoning.** Most of the Arts District has M3-1-RIO zoning. In M zones with a height district of 1, the height is unlimited, with the exception of limited commercial uses (“CR”). As noted in the City Planning Supplemental Staff Report, the portion of the Arts District around Alameda has proposed and entitled projects that are changing the profile of the Arts District. I would not support any overall arts district height reductions that would give these current pipeline projects higher average heights than projects which follow after them.
- **Re-Approach Live Work Zoning Standards in New Buildings.** As City Planning notes the intent of Live-Work units is to “facilitate a broad range of employment activities, especially creative work and small businesses”. The proposed model for Live-Work units is modeled on the immense success the creative and artisan community in the Arts District had in adaptive reuse of existing industrial buildings. At the same time more than one comment letter has raised the concern that providing both live work units and the 1.5 production space is financially challenging. Therefore, I am supportive of considering if required Live-Work workspace can be detached onsite, with any such detached space counted towards the required 1.5 production space FAR. In such a case each unit of live-work must be guaranteed the dedicated workspace as a minimum but the developer will gain choice and flexibility in configuration of Live-Work. In order to support the intent, this work space must be a dedicated amenity provided to individual tenants, and not combined into common spaces or unbundled from units. I also do not oppose the idea of multifamily Live-Work; for instance, a two bedroom Live-Work space offering a doubled detached workspace. If the intent of Live-Work is the creation of a dense community of artisans and small business owners living and working “above the shop” there is no reason the shop cannot be down the stairs or in the living room.
- **River Setback & Access.** Multiple letters pointed out that the 20ft minimum river setback along the LA River could be refined. In one instance a proposed project plans to provide a 200 foot wide public deck on the adjacent railway site and was concerned that an additional onsite 20-foot setback would be counterproductive to their design goals. Given that sites along the LA River in the Arts District are separated from the river by 200 feet of rail yard, I support removing redundancies. Provided projects include a greater width of permanent public access closer to the river as part of their project design, and will not obstruct implementation of the LA River Bike Path, the 20-foot setback should be considered met through this alternative design. Additionally, the 20-foot setback requirement should allow a “meandering width” option, where the setback is allowed to narrow and widen so long as it does not go below a minimum accessible width, and median width, allowing projects to create more dynamic and creative public spaces. My goal above all else is to ensure greater public access to high quality open space along the LA River and I am supportive of flexibility that furthers this goal.

ECONOMIC DEVELOPMENT:

- **Support for our builders.** There are widespread labor abuses in the construction industry. I have committed to fight against these practices in legislation (CF# 21-0631) and I commit to this same support in DTLA 2040, to ensure the plan provides tools to ensure compliance with labor standards, encourage local hires, and local apprenticeships.
- **Support for a Jobs/Housing/Tourism Balance:** In my previous letter I raised my concerns regarding the need to provide targeted discretionary review for specific tourism servicing uses- notably hotels in specific zones, and hotels which have specific impacts on existing housing stock. I support further coordination with the Department of Tourism and the Department of City Planning to ensure hotels developed in Downtown Los Angeles are targeted towards the capacities, locations and typologies needed and that hotel projects that enter into tax incentive programs and development incentive deals with the City of Los Angeles are fully compliant with both the goals and policies of DTLA 2040 and the Tourism Master Plan of the City. Visitor serving uses are an important part of an economically vibrant Downtown, however the permitting regulations must be thoughtfully allowed in order to ensure they are compatible with the residents in Downtown.

IMPROVE DTLA STREETSCAPES & PUBLIC TRANSIT

- **No Additional Road Widening on a Project-by-Project Basis.** Developers are regularly required to widen roads at their single parcel by cutting into the sidewalks. These piecemeal road widenings are intended to widen roadways over time to specific goal widths in the City Mobility Plan. However, these mandatory widenings are often contrary to more City Policies than they conform to; among them the preservation of mature street trees, the avoidance of impacts to electrical infrastructure, the removal of streetlights and the narrowing of ADA access, and the City's Vision Zero. Projects in DTLA should be given a by-right administrative process to retain the existing curb, and dedicate wider sidewalks instead. Projects should only be required to widen and improve the street when specifically requested by BOE or LADOT when such widening does not lead to the loss of trees, public parking spaces or create meandering sidewalks which would be difficult to travel on in a wheelchair or other assisted mobility device.
- **Greater DTLA Tree Preservation.** I deplore the removal of healthy mature trees for unnecessary street widening, and driveway cuts that can be sited to design around trees. DTLA 2040 is a plan for increased climate resilience, and in order to maintain that goal, the plan must provide specific strategies to avoid preventable loss of mature healthy trees from private and public projects through commonsense review, and design features that lead to increased tree health.

METRO RECOMMENDATIONS:

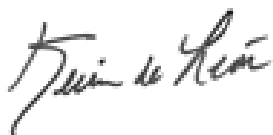
- **Consider Parking Maximums by Transit.** I wish to highlight the statistics provided by Metro regarding overparking close to transit and encourage the City Planning Department to respond with consideration of whether or not there should be additional incentives or disincentives in DTLA that prevent future overparking within transit hub areas.
- **Support for Stronger Coordination with Metro.** I also support the suggestion that when Metro transit projects are approved and built (such as the Regional Connector, West Santa Ana Branch corridor, and the Arts District/6th Street Station project), the DTLA 2040 plan should re-examine the land use and zoning and policies to ensure greatest support of transit dense sites consistent with the DTLA 2040 Plan Goals and Policies.
- **Support for Early Adjacent Metro Review.** Private and public projects on or next to metro land should be required to design in close coordination with Metro in the early planning phases to ensure conflicts are avoided.

CONCLUSION:

Commissioners, it is a privilege to represent DTLA 2040 as we undertake this historic Community Planning effort. I respect and admire the work undertaken by the Department of City Planning and the Downtown community as a whole to prepare such a massive plan. The goals of the Plan are sound. It is my intent that this public review time is used to further refine that spirit, to create even greater simplicity wherever possible, to build additional flexibility in the service of our shared goals. I wish to promote a healthy, affordable, green and pedestrian focused DTLA, with an economic base that is able to recover quickly from the impacts of the past several years. I believe that good planning can lead to a Downtown that is beneficial to all, and representative of the incredible diversity and innovation that is characteristic of Angelenos.

We have an opportunity for truly remarkable growth in both affordable and market rate housing, a chance to attract new businesses while supporting legacy businesses, and further develop an iconic skyline that includes lovingly preserved treasures from our past alongside future iconic architecture of Los Angeles. In short, a Downtown that exceeds all our expectations is possible. I thank you for your collaboration with myself and my colleagues on the City Council in undertaking this work and look forward to our years of service together on behalf of the City.

Sincerely,



KEVIN DE LEÓN,
Councilmember, 14th District,
Los Angeles City Council

ATTACHMENT: Letter from Councilmember de León, “Downtown Los Angeles
Community Plan Update “DTLA 2040””, June 15, 2021

CC: Samantha Millman, President
Caroline Choe, Vice President
Renee Dake-Wilson, Commissioner
Jenna Hornstock, Commissioner
Helen Leung, Commissioner
Yvette López-Ledesma, Commissioner
Karen Mack, Commissioner
Dana Perlman, Commissioner
Vincent P. Bertoni, AICP, Director, City Planning
Shana M. M. Bonstin, Deputy Director, City Planning



Historical importance of the Third and Main street locale in DTLA

john crandell <landscape_vision@sbcglobal.net>

Mon, Sep 13, 2021 at 5:00 PM

To: Los Angeles City Planning Commission <cpcequity@lacity.org>, "cpc@lacity.org" <cpc@lacity.org>

Two notable historic events at the locale are such that programming and design of new developments at the southeast and northwest corners could possibly reflect these historic realities.

Thomas Lincoln Tally's 'Electric Theater' was the birthplace of commercial cinema on the west coast circa April, 1901. Directly next door, the first expressly designed/constructed cinema was constructed in 1910. This was the Liberty Theater and it was designed by Albert Martin Sr. The front facade was demolished and reconstructed in the early 1930s, but the rest of the structure yet remains. Tom Tally was a co-proprietor in the venture.

There is a haunting legend that has connected Third and Main and Pickett's Charge of the third/final day of the Battle of Gettysburg. It has been one of the great legends of the nation's Civil War. This legend was utilized to great effect in the 1993 movie of the battle and as well, forms an emotional highpoint in a 1971 historical novel which garnered a Pulitzer Prize for author Michael Shaara. The movie is based upon Shaara's work. However, the legend has lately been revealed as a cynical myth, constructed in 1887 by the widow of the protagonist of the connection between L A and Gettysburg. A new story regards what truly occurred, based upon primary source materials, is the better and far more resonant tale of the connection between Los Angeles and the epic Civil War battle.

My thought is that these two factors ought to be utilized at the least in terms of an imaginative urban design formulation - the streetscape of the Third and Main intersection and perhaps as well - the programming of adjacent first floor activities in new developments.

The intersection ought to be officially named as Hancock Square. Winfield Scott Hancock was/is the protagonist. The new story describing the connection to the Civil War battle forms a chapter titled 'Myth of Heroes' and can be located within a volume of essays, maps and photos titled: 'Homage To Downtown ~ In Search of Place and Memory in Ancient L.A.' now on file at the reference desk in the history department of the downtown Central Library. Christopher Hawthorne has a copy.

All for Downtown and Downtown for all!

Thank you,

John crandell RLA