

September 21 , 2021

Samantha Millman, President
Los Angeles City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

Re: Comments on the DTLA 2040 Community Plan Update, CPC-CPC-2017-432-CPU, CPC-2014-1582-CA 9, CEQA: ENV-2017-433-EIR 14

Dear President Millman and Honorable Commissioners,

On behalf of the Los Angeles Chapter of The American Institute of Architects (AIA LA) and our 4500+ members, I am writing to share our comments on the proposed DTLA 2040 Community Plan Update and the new zoning code. We will continue working with Los Angeles City Planning and City Council on more in depth, technical comments and welcome the opportunity to further connect more deeply with the City Planning Commission on this collective endeavor.

We want to express our sincere gratitude for the leadership, expertise, and commitment of the staff at Los Angeles City Planning. This has been a multi-year, inclusive, and accessible planning effort and we truly respect the ongoing relationship that LACP has bestowed upon AIA Los Angeles and our 4,500+ members of architects, designers, students, and emerging professionals. **LACP should be recognized for their monumental progress to date and congratulated on their high level of due diligence, community outreach, and professional insight.**
DTLA 2040 COMMUNITY PLAN UPDATE

We are extremely supportive of the Adaptive Re-use provisions included in the community plan and encourage that these provisions be extended citywide vis-a-vis the current Housing Element Update process so that it can be included in its CEQA clearance, and to serve as an opportunity to increase site feasibility and opportunities for housing citywide while preserving more existing buildings. We also recommend expanding Unified Adaptive Re-Use to all buildings (existing structures, not just those designated as historic) and increase the FAR incentive for historic structures, and to provide a tiered incentive program for non-historic and historic buildings, etc. Furthermore, we discourage CPC, LACP, and City Council from adding more restrictions to adaptive reuse projects (such as affordability provisions) and instead recommend adding more incentives. Adding more requirements to adaptive reuse projects will significantly decrease the financial viability of adaptive reuse and historic preservation and to adequately address our climate crisis we must do more to ensure we are renovating, retrofitting, and refurbishing our existing building stock and the embodied carbon that it represents.

As to the rest of DTLA 2040 I have collected the following preliminary concerns during two recently held AIA LA listening sessions:

1. We need to evolve beyond the planning act of “manufacturing scarcity” so that projects have to go through additional reviews and incentive programs to achieve the outcomes we desire for our communities. The Cornfield Arroyo Seco Plan (CASP) is an excellent example of well-intentioned, yet misguided policy that creates an arbitrary series of low thresholds to trigger incentive packages, etc. As indicated in your economic analysis provided by HR&A Advisors, this will have detrimental market impacts on site feasibility, etc. in many neighborhoods.

2. Do not downzone Chinatown or Little Tokyo, especially the areas near METRO light-rail stops. We must ensure the added capacity for more housing in all areas of DTLA 2040 to optimize the public’s multi-billion dollar investment in transit. Alternative and more measured tools to prevent displacement and to preserve existing covenants for affordable housing can be utilized without the need to downzone any part of our urban core. Instead, recognize these vibrant areas as ‘community centers’ rather than ‘villages’.

3. Allow mixed-income housing in all areas of DTLA 2040, even in Skid Row. Requiring new housing in Skid Row to be 100% affordable will continue to exacerbate the problems of inequitable housing policy throughout the city. That is, “containment” is not a desirable result and is pernicious in its long term outcomes. We must distribute affordable housing throughout the city and recognize that housing is a human right. To make exclusive neighborhoods (even 100% affordable), you’re eliminating the opportunity to enliven all neighborhoods with a mixture of cultures, incomes, access to ideas and jobs, and a diversity of demographics.

THE NEW ZONING CODE

We would like to formally pay tribute to and recognize the leadership of LACP staff, the Code Studies Department, and the Zoning Advisory Committee. This milestone represents nearly eight years of work and the evolution of ReCode LA into the new zoning code marks a monumental occasion for the City of Los Angeles. It is with respect for this ongoing professional outreach process that AIA LA offers to the City Planning Commission, the Zoning Advisory Committee, and LACP the leadership, insight, and professional resources of AIA LA members. Primarily, we recommend that City Council financially supports LACP with the substantial resources that will be necessary for architects, building engineers, plan checkers, and zoning administrators to continually ‘test the code’ on an ongoing basis. We recommend that CPC and LACP include with adoption of this new zoning code proactive strategies and professional development opportunities that will make the code easier to use and understand by the architects and designers that will have to interpret and utilize the new zoning code on a near daily basis.

An ongoing forum to ‘test the code’ will also allow architects an opportunity to share insight into best-practices from other regions, as well as, identify any unintended negative impacts that the implementation of the new code may have on design excellence, health, climate action, environmental performance, social equity, and cultural diversity. If the new zoning code is adopted without the financial resources required to support LACP with more direct guidance and feedback from the architecture community, then our initial concern is that it may prove to be too complex to interpret and utilize and therefore severely impact our housing crisis with costly and unnecessary delays. Additionally, such a forum will also help serve as a professional development tool to help architects better understand the new zoning code to improve optimal outcomes for all development.

Found below, please find a consolidated list of some of the initial concerns we’ve heard directly from AIA members:

Childcare Facilities

It is our understanding that proposed enrollment caps for the permitting of childcare centers where allowed by-right are undergoing revision, and we hope this is the case. We remain concerned that enrollment caps established in the current Draft document, as a limitation for child care centers under all of the current Use Districts, are insufficient to allow child care centers to receive proper funding and to thrive. We advise that any revised

enrollment caps, where they are deemed necessary at all, are the result of conversations that include child care providers, and that these numbers are derived from current data and best practices wherever possible.

Carbon Neutrality, Cultural Diversity and Frontage Requirements

We are concerned that the underlying motivations to many of the frontage requirements drafted for the historic core are intended to codify and make permanent practices reflective of the early 20th century – in fact this is specifically alluded to in a number of cases. The AIA, as a voice of the architectural profession, is in support of an esthetic language promoting a more culturally inclusive and forward-looking way of building in the 21st century. Additionally, innovative responses to climate change must be supported as means and methods of building a downtown for Los Angeles that allow us to effectively respond to 21st and 22nd century challenges. This includes new ways of developing facades that may not include the traditional materiality or banding spelled out in frontage standards as drafted.

We believe that the zoning sections regarding Form, Frontage, Standards & Use and Density are too prescriptive and need to be revised to allow for creativity and diversity in aesthetics and construction. As it stands this document is too granular and contains many contradictions in its prescription. The density and the complexity of the current version will create an administrative nightmare for the city in its implementation and interpretation. Many of the prescriptions for dimensional minimums and maximums are not reflective of real market conditions and place unnecessary limitations on creativity. The code will inadvertently create requirements that will effectively negate Los Angeles as a competitive and desirable place to invest in. The result will negatively affect the future of Los Angeles.

An example of this issue occurs with the establishment of 'build to' requirements - an element in many cities' zoning and planning documents but new to Los Angeles. We support the Planning Department goals of activating street fronts and the public realm in general, however, this is a dated tool that we feel will have the opposite effect in Los Angeles. The creation of a strong street wall using 'build to' requirements increases privatization and enclosure of ground floor spaces, increasing segregation between neighborhoods and exacerbating the problem of under sized sidewalk widths throughout most of our city. The tool of Pedestrian Amenity Allowances could be effective in balancing the desire for strong street frontages with accessibility and openness, but should be allowed for the full width of the lot frontage, by right.

During the pandemic we have witnessed a liveliness of our sidewalks, streets and shared open spaces that is unprecedented although these new uses are necessarily temporary as they crowd narrow sidewalks in often unsafe ways or relegate diners to street right-of ways, adjacent to traffic and exhaust. Allowing ground floor retail and dining uses to pull back from the front property line with generosity and provide new shared spaces for dining and gathering is clearly a recipe for a new way of occupying Los Angeles' thousands of miles of public streets. Site planning and street frontage requirements should focus on locating and mitigating the effects of parking requirements - placing those in the rear of the lot - and minimizing the number of driveways, and allow the freedom for new ideas to emerge in the design of building frontages in commercial and multi-family zones.

The current draft encourages specific distinction between neighborhoods and their current or perceived cultural affiliations. This distinction freezes a location in time and prohibits the future evolution of these areas. This will ultimately result in the perpetuation of a fake architectural representation to gain city approval. The draft also points to recommended programmatic uses for the interior of the building. No part of a planning code should have jurisdiction in how to organize or program the interior of a structure. The creation of specific development standards in each district will only create confusion and contradiction which will lead to the increased reliance on

interpretation from the governing bodies. A greater reliance on interpretation and conversation between differing jurisdictions will make approval times longer.

Calculation of Density:

Page 738 describes the processes for relief from the density limitations, but it does not address one area that we have seen so much variation of interpretation in recent years: how to calculate the relief needed (and you really want it to be less than 20% so that it just requires an exception, not an adjustment).

Here are the two most common methods we run into - used seemingly at random by different planners:

Method 1 = multiply the allowed density by desired number of units. The difference between that lot size, and the actual lot size is the amount of relief needed.

For example: 5 units * 1500 sf/unit = 7500 sf lot required. Actual lot is 7000 sf, so the deficit is 500 sf, or $500/7000 = 7\%$ relief needed (a modest "ask", likely to be approved).

Method 2 = Divide the lot by the allowed density, determine the total number of legal units, and compare the remainder to the required amount of lot per unit. The difference between the two is the required relief.

For example: $7000 \text{ sf lot} / 1500 \text{ sf/unit} = 4 \text{ legal units}$. $4 * 1500 = 6000$. Remaining lot area = 1000 sf. Lot is 500 sf too small, so $500/1500 = 30\%$ relief needed (an impossible "ask").

Clearly, the two methods result in radically different requests. It would be nice to see a method for calculating the amount of relief needed included in the code, so that developers know, going in, what they can expect to build, and whether or not the deficit is reasonable, and the relief may be approved, or not.

Calculation of Height Related to Depressed Driveways:

Currently, P/ZC 2017-008 states Depressed driveways, stairwells, and light wells below grade can be exempt from building height determination. Recently, we have been subject to a variety of opinions on this exception with respect to driveways for small lot subdivisions, with some plan checkers allowing it without question, some stating that it does not apply when the driveway provides access to more than one parking garage, and some stating that it only applies if you drive straight into the garage, but if you turn, it doesn't apply (?).

The new code includes this definition:

"Existing Grade. Grade as established prior to any site modification. Existing grade does not include fill material or retained soil established without a grading permit. Excludes entrances to basements, entrances to parking garages, and window wells".

This seems to be an attempt to incorporate the exemption noted above into the code. However, it leaves the same room for interpretation as we currently experience. NOTE: this comes into play when calculating the grade plane. It would be nice to clean this up. I would recommend that they modify the language as follows: Excludes entrances to basements, driveways and entrances to parking garages (both single family residential, multifamily residential, and commercial), and window wells".

Allowed Projections Above Height:

We are happy to see that Article 14, section B makes an attempt to clean up the allowed vertical encroachments. However, we think that standard 1.b - Mechanical/Electrical Equipment: Roof Mounted can be improved.

In conjunction with a roof deck and roof access stair, we have often tried to add a mechanical closet to house a water heater and FAU using Section 12.21.1.B.3(a) which allows "...any roof structures housing...ventilation fans..." to exceed the height limit. Sometimes this works, and sometimes it doesn't (depending on the plan checker's interpretation of the words "ventilation fans"). The new code adds the explicit language "HVAC equipment", but seems to eliminate the possibility of such closets (which are very useful in Small Lot Subdivisions where rooftop package units have not kept up with T24 efficiency requirements, and therefore, are not an option). I would request the inclusion of the following language in Article 14, Section B.1.b:

Equipment supported by a roof related to publicly-operated or privately-operated systems, including related wires, conduits, pipes and visual screens. Includes HVAC equipment, cistern, water tank, wind turbine, solar panel, solar water heater, exhaust duct, smokestack, wireless mast, communication equipment, satellite dish, ventilation fan, chimney, flue, vent stack, and generator. Roof Mounted also includes required screening and any roof structure housing such equipment, including water heaters.

Driveway vs Access Aisle/Drive Aisle:

We are running into multiple interpretations of P/ZC 2002-001 with respect to the distinction between access aisles and driveways for small lot subdivision projects. We have historically used the aisle widths in Table 6 in this info bulletin to determine our required back up distance and parking stall width. Between multiple garages served by a single driveway, we have always reduced back down to a driveway width. However, we now see different interpretations of this, including the idea that the driveway width is determined by the "aisle width", so that as the driveway passes from one lot/garage to another, it must maintain the entire aisle width. The question becomes one, then, of defining a driveway vs an access aisle. The new code only includes two references to "access aisle" (and on pp 334, it uses access and drive aisle interchangeably in the diagram) and no definition. I would recommend that you add a definition, and explain how this concept differs from a driveway, and when to use one or the other.

Re: 4.C.4.3 5. **Barriers** Bumper guards, wheel stops, steel posts, curbs, or other permanent installations that prevent vehicles from parking or maneuvering outside of parking areas, driveways and motor vehicle use areas.

This question also pertains to a discussion about what constitutes a "barrier" beyond the parking stall? Diagram 8 in this section on Obstructions only shows them in relationship to the stall itself. If the stall is recessed into the building, and there is a building wall/column beyond the stall, but not in the driveway, is that a barrier (per code section above), and if so, what are the allowed parameters?

Landscape In Front Yards:

Re: 14.1.5 Encroachments

c. Unenclosed Structures: Ground Story Structures having all finished floors and ground surfaces at or below the maximum finished floor elevation of the ground story listed in Frontage and having a total structure height less than 15 feet, measured from surrounding finished grade. Includes porch, deck, stoop, landing platform, gazebo, trellis, arbor, pergola, basketball hoop, and volleyball net

We recently had a planner interpret the requirement that a front yard be landscaped to say that none of these elements could be in the front yard. Perhaps there could be some language reconciling those code sections? This happened on a small lot project, and I am unsure which frontage requirements will be created for those types of projects, but it would be nice to address this issue.

Nonconformity:

Re: 2A.2.2D **Nonconformity** Article 12. (Nonconformity) which provides relief from the requirements of Article 2 (Form) for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. The new code language states: “ No project activity may decrease conformance with any Form District standard unless otherwise specified by Division 12.2. (Form). Consider the following examples: 1. An addition to the side of an existing building: Where a proposed addition increases the total building width beyond the maximum building width allowed by the applied Form District, the addition is not allowed.” The current code does allow non-conforming yards to be maintained under certain circumstances. Will this still be allowed in the new code?

Projections in Front Yard:

Currently, info bulletin P/ZC 2002-006 clarifies the code to allow vertical projections into the front yard of no more than 4’ in height. Given the concerns about climate change and the energy use of buildings, we suggest that it would be nice to encourage shading devices (such as fins), and to allow such projections to exceed 4’ in height.

Required Trees:

Re: 4C.6.2.C **Standards** that modestly support an increase in the *numbers* of new trees planted by requiring one or two for even by-right projects, plus make this requirement more straightforward by basing it upon total floor area instead of number of units (or project type). These standards do nothing to incentivize trees to be planted in such locations and under conditions likely to support their long-term health and thus performance, and so do not meet 4C.6.2.A **Intent**. In short, we need more effective zoning policies to ensure a healthier urban tree canopy – and we need all of the other City of LA departments to prioritize the placement of street trees throughout our public realm, especially with more robust incentives that encourage the private sector to more readily participate in the solution.

Although these are examples of a few of our concerns, observations, and recommendations, we look forward to staying engaged in the public hearing process and further connecting with both the City Planning Commission and the dedicated staff of Los Angeles City Planning. We also welcome the opportunity to further connect with City Councilmembers and their planning staff to ensure that DTLA 2040 and the new zoning code are effective tools to achieve safe, complete, healthy, beautiful, and equitable communities.

In the meantime, please feel free to connect with Will Wright, the Director of Government & Public Affairs for AIA Los Angeles via email at will@aialosangeles.org or via phone at (213) 739-0764 with any questions or concerns.

Very truly yours,



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