



December 4, 2023

Councilmember Marqueece Harris-Dawson, Chair
Councilmember John S. Lee, Vice-Chair
Councilmember Katy Yaroslavsky
Councilmember Imelda Padilla
Councilmember Heather Hutt
Planning and Land Use Management Committee
Los Angeles City Council
200 North Spring Street
Los Angeles, CA. 90012

**Re: Boyle Heights Community Plan Update
Council File No. 23-0861**

Dear Councilmember Harris-Dawson and PLUM Committee Members:

Throughout its history, Boyle Heights has been a multicultural community, often a port of entry for recent immigrants and immigrant communities, consisting variably of displaced Indigenous people; immigrants from Eastern Europe - many of whom were Jewish; Mexicans crossed by the shifting United States border; Japanese immigrants; African-Americans; Armenians; Italians. More than half a century ago, Boyle Heights gradually became an almost all-Latino neighborhood consisting of diverse Latino cultures.

The Boyle Heights community has also been subject to urban renewal policies that have disrupted the community's social fabric, gentrified households and negatively impacted human health. The East Los Angeles freeway interchange built in the early 1960s connected five freeway paths of travel for vehicles but displaced hundreds of families and dissected neighborhoods. Moreover, industrial facilities placed next to residential areas have exposed the community to dangerous air pollutants and toxins for decades.

Racial covenants and redlining are irrefutable historical facts.

Today, market forces are at work which present a clear and visible threat: displacement of longtime residents priced out of housing or those being evicted to make way for market-rate development, and loss of legacy small businesses. Utilizing a typology of displacement, defined as a decrease in the number of low-income households in an area, established by *The Urban Displacement Project*, a research initiative of the University of California, Berkeley and the University of Toronto, data show that neighborhoods in Boyle Heights are at varying stages of gentrification including those which are at-risk due to ongoing real estate pressures from the redevelopment of Downtown Los Angeles and areas to the north, such as Highland Park and Echo Park.

In response to the growing number of demolition permit requests being filed to remove occupied residential units subject to the City's Rent Stabilization Ordinance (RSO) from the rental market, I introduced a Council Motion (Council File No. 23-0917) to initiate an Interim Control Ordinance (ICO) to prohibit such demolitions pending adoption of the Boyle Heights Community Plan update. Over 4,300 properties in Boyle Heights and an estimated 15,000 units, comprising over 65% of all units, are subject to the City's RSO. One-third of all demolitions in Council District 14 take place in Boyle Heights. Of those demolitions, 35% involve demolitions of RSO units. The threat of displacement of residents is compelling and real.

The PLUM Committee is now poised to consider the Boyle Heights Community Plan update which was last updated in 1998, a quarter century ago. This latest update is second in line to the Council's adoption of DTLA 2040 which incorporated the City's new Zoning Code.

Enacting the policy document presents an opportunity to address a range of issues and concerns following an extensive process of community engagement led by the Planning Department. However, during the COVID-19 pandemic, direct interaction with community stakeholders effectively ceased. Recently my office co-hosted an in-person Community Open House in partnership with the Boyle Heights Neighborhood Council and Planning Department to restart outreach efforts and provide updates to the public.

I am pleased to support the policy recommendations and zoning implementation measures adopted by the City Planning Commission which include:

- Creating Housing Opportunities Near Transit
- Safeguarding Residential Neighborhoods
- Preserving Industrial Land
- Establishing a Community Benefits Program to Facilitate the Production of Affordable Housing
- Protecting Neighborhood Identity, including Historic Preservation Measures, Incentives to Preserve Legacy Small Businesses, and Legalizing Corner Lot Stores (Tienditas) in Residential Zones
- Implementing Environmental Justice Measures, including permanently codifying the "Clean Up, Green Up" (CUGU) Regulations and adding Soil Sampling

Requirements

I also largely support the modifications identified in the Director of Planning's Technical Memorandum to the PLUM Committee dated November 28, 2023, which respond to several suggested land-use measures put forward by my office in an effort to strengthen the Community Plan, including:

- Use of Los Angeles Housing Department's Rent Schedule 6 for the Community Benefits Program
- Land Use Mix Alternative for Los Angeles River-Adjacent Area with Mandatory Inclusionary Housing Requirement (13% Acutely Low-Income Household, 15% Extremely Low-Income Household, 17% Very Low-Income Household, 22% Low-Income Household)

Finally, I would like to offer additional policy amendments and requests for further studies for the Committee's consideration which I believe would further strengthen the Community Plan. I would like to elaborate below on my office's recommendations under the following topics:

- I. Local Preference Requirement for New Affordable Housing
- II. Clearly Delineating Permitted Densities
- III. Two-Bedroom Requirement for 100% Affordable Housing Developments
- IV. Mandatory Inclusionary Housing Requirement - River-Adjacent Area
- V. Codifying Tenant Protections (Right-of-Return; RSO Unit Replacement; Tenant Anti-Harassment)
- VI. Parking Study
- VII. Small Business Assistance / Commercial Vacancies
- VIII. Youth Engagement, Social Services and Educational Facilities Focused on River-Adjacent Area
- IX. Security Focused on River-Adjacent Area
- X. Form District and Community Benefits Focused on River-Adjacent Area

I. Local Preference Requirement for New Affordable Housing

While I appreciate the thoughtful consideration in addressing a Local Preference Program for Affordable Housing Units, as noted in Section D of the Director of Planning's Technical Memo, I would like to request the Housing Department in consultation with the Planning Department and City Attorney to develop a Local Preference Program for Affordable Housing Units that gives priority to local households and displaced evictees in a way that is consistent with the federal Fair Housing Act (FHA).

Creation of a local housing preference requires that the City comply with the FHA. Progressive models of local preference programs have already been demonstrated in other cities, including Santa Monica, California, Portland, Oregon, and Cambridge, Massachusetts. Policies in these cities all comply with the FHA by establishing a range of factors that allow for people to receive preference for new affordable housing in the neighborhood.

A Local Preference Program should be created for all new affordable housing units in the Boyle Heights Community Plan area that takes into account the multiple factors that residents who live or have lived in Boyle Heights face. When new affordable homes are built, people who already live in Boyle Heights or were forced to leave Boyle Heights must be given priority and extended the first opportunity to live in these new affordable homes.

The program should establish priority for affordable housing within the Boyle Heights Community Plan area be given to individuals who score the highest on a scoring matrix that factors in if they have been or will be displaced from their homes within 12 months due to a natural disaster; have had their residence demolished; have been evicted due to Ellis Act provisions; live or work in the City of Los Angeles; have suffered a government ordered eviction; have been affected by the construction of the I-60 freeway, I-5 freeway, I-10 freeway, and 101 freeway, or reside within households that were subject to redlining as delineated in the 1939 Home Owners Loan Corporation map.

II. Clearly Delineating Permitted Densities

The Boyle Heights Community Plan is the second in the City to incorporate the City's new Zoning Code. A central facet of the new zoning system is the establishment of multiple new "zoning districts" which correspond to the Community Plan's Land Use Designation Map. One type of zoning district is called a "Density District".

Assembly Bill 2334, a measure which amended State Density Bonus law, modified the definition of "maximum allowable residential density" to provide that where the density allowed in the zoning ordinance is inconsistent with that allowed in the land use element of the General Plan (or Community Plan), the greater density prevails.

Under the new Zoning Code, the Community Plan enables a range of permitted densities ("Density Districts") within a single land-use designation.

This new typology needs to be clarified to avoid unintended consequences. A developer could theoretically seek to invoke AB 2334 with the modified definition of "maximum allowable residential density" by applying the Density District allowing the highest density.

I am concerned that the carefully calibrated incentive system intended to produce affordable housing and fulfill the goal to safeguard low- to medium-density residential neighborhoods could be compromised. A misuse of AB 2334 could allow a developer to secure greater density but without providing additional community benefits by circumventing the Plan's incentive system. Thus, in order to avoid outcomes which contradict the Plan's intended goals, the Community Plan should clearly delineate which areas can be more crowded and which areas should have fewer homes. This way, the City shall prevent developers from taking advantage of the law and building in ways that do not benefit the community.

I therefore recommend that the Community Plan be amended to provide greater

specificity as to the specific parcels to which the respective Density Districts are meant to apply. Clearly delineating permitted densities on the land use map will avoid inappropriate use of state density bonus law and tighten loopholes.

III. Two-Bedroom Requirement for 100% Affordable Housing Developments

I acknowledge that household sizes in Boyle Heights are larger than those in the rest of the City and agree with the recommended Community Plan's approach to increasing the number of family-sized dwelling units within mixed-income and 100% affordable housing developments. Under present-day zoning, such projects are not required to provide any particular mix of unit sizes. As a result, stakeholders in Boyle Heights are left to negotiate with project developers on a case-by-case basis to provide two-bedroom units or greater so as to better accommodate the housing needs of families. The Community Plan, inclusive of the Director of Planning's Technical Memo, requires that mixed-income and 100% affordable housing developments provide a minimum of 30% of the total units as units with two-bedroom or more (excluding projects for veterans, seniors, transition age youth).

I request that this requirement be increased to from 30% to 60% for 100% affordable housing developments with the exception of projects serving veterans, seniors, transition age youth, and permanent supportive housing. This change is indeed a bold move and a direct response to the community's large-family profile and the need to relieve overcrowded conditions. Increasing the percentage to 60% will produce much-needed larger units for families.

IV. Mandatory Inclusionary Housing Requirement - River-Adjacent Area

I am pleased that the Technical Memo from the Director of Planning recommends mandatory inclusionary housing for the River-Adjacent area. I am supportive of this measure because all developments should include affordable housing no matter their size. With the imposition of required set-aside percentages of 13% for Acutely Low Income, 15% for Extremely Low Income, 17% for Very Low Income, and 22% for Low Income Households, the Plan is establishing the highest affordability requirements for inclusionary housing in the entire City.

However, I believe that these numbers are not high enough to accurately address the deep need for affordable housing in Boyle Heights. I therefore request that the mandatory set-aside requirement for units serving Low Income Households be increased from 22% to 50% utilizing LAHD's Rent Schedule 6.

V. Codifying Tenant Protections (Right-of-Return; RSO Unit Replacement; Tenant Anti-Harassment)

My office has worked closely with the Planning Department to ensure that the provisions of the Community Plan provide increased stability for households in Boyle Heights where the threat of displacement can have devastating consequences for many vulnerable households. I strongly support the many zoning and regulatory changes set forth by this Plan that seek to ensure that households living in Boyle Heights today have a future in Boyle Heights tomorrow.

The City Council has set a precedent in codifying certain tenant protection measures legislated in state and local laws in the Community Plan. New tenant protection measures were recently advanced in the South Los Angeles communities of University Park and Exposition Park through an update to the South Los Angeles Community Plan Implementation Ordinance (CPIO) adopted by City Council on January 25, 2023, under Council File 20-1265-S1. In this action, the Council codified the right-of-return provisions established under California Senate Bill 330 and Senate Bill 8; mandated that the replacement of RSO units for Local Incentive System affordable housing projects be done at a 1:1 ratio and reserved for Extremely Low Income households; and established tenant anti-harassment regulations and notification procedures to better protect existing vulnerable renting households.

I request that the same codified measures in tenant protections established under CF 20-1265-S1 be applied to the Boyle Heights Community Plan. This measure is about protecting people who rent. It's about making sure renters have rights and aren't pushed out of their homes unfairly.

VI. Parking Study

Local residents and business owners have expressed frustration with the lack of adequate parking available to serve renters and homeowners and support commercial districts. Following years of neglect without public investment in transportation while other parts of the City received heavy and light rail improvements, Boyle Heights, already densely populated as compared to other neighborhoods, witnessed the opening of the Metro E Line (formerly Expo Line) light rail train in 2009 along portions of First and Third Streets connecting Downtown Los Angeles to unincorporated East Los Angeles. Progress has advanced as Metro's Regional Connector in Downtown Los Angeles which links with the E Line opened this year.

The Community Plan directs future density along public transit and offers the aspirational goal to encourage constituents to utilize the public transit option now available. While getting people out of their cars to utilize public transit certainly is a worthy aspirational goal with which I concur - and indeed ridership has fluctuated over the years - automobile ownership and utilization continue to be today's reality. Car ownership is often an unavoidable part of an expansive metropolitan area.

Boyle Heights was subdivided at the turn of the 20th century. Many single family homes built over 100 years ago have been converted into multiple units. Densification coupled with increased automobile ownership and usage have impacted the area's aging public infrastructure originally built to serve a low-density single-family residential streetcar suburb. Indeed constituents consistently protest that competition for public street parking today is fierce – and they cannot be blamed for protesting. At the same time, car ownership is an economic necessity for working people who must commute throughout the region to travel to and from places of employment.

Current citywide programs to incentivize development of multi-unit affordable housing allow a reduction in providing on-site parking. Given the constraints of older inadequate

public infrastructure in Boyle Heights today, I am concerned about unabated parking demand exacerbating an already challenging reality.

I ask the Council therefore to direct the Department of Transportation in consultation with the Planning Department, Building and Safety Department and Housing Department, to conduct a parking analyses of Boyle Heights that determines which streets are *under-parked* based upon parking demand generated from existing density, including the number of housing units and bedrooms on a given block compared with public street parking capacity. This study should examine planning tools that can be used to require more parking for new developments in the portions of Boyle Heights that are under-parked. Furthermore, the study should identify planning tools to ensure that new developments in the River-Adjacent Area are required to provide a parking plan by either providing on-site parking or an agreement with an off-site lot that provides adequate parking for new residents and businesses.

VII. Small Business Assistance / Commercial Vacancies

Another major component of gentrification that is often overlooked is the phenomenon of small businesses being priced out of their neighborhoods in gentrifying markets. The Council Office has received testimony from Boyle Heights small business owners about commercial landlords raising rents in an effort to pressure them to vacate the space. Subsequently owners intentionally leave such spaces vacant until a higher paying tenant is secured. This behavior becomes more evident in a gentrifying market, harms locally-owned small businesses and creates vacant commercial storefronts which negatively impact the vibrancy of commercial corridors.

The Community Plan aims to foster communities by supporting local businesses, particularly those that provide community-oriented goods and services which benefit the people who live in Boyle Heights. When commercial spaces stay empty, the vacancies do not benefit the neighborhood and even depress other local businesses.

The City should explore every avenue to mitigate commercial vacancies and retain local businesses in the community. Toward that end, I ask the Council to instruct the Economic and Workforce Development Department in consultation with the Planning Department to conduct a study recommending effective strategies, policies and resources to retain local businesses specifically in Boyle Heights, including but not limited to policies such as limiting rent increases on commercial properties, a commercial property vacancy tax, or tax incentives to property owners.

VIII. Youth Engagement, Educational and Social Services Facilities Focused on River-Adjacent Area

Local stakeholders in the Pico Gardens area, an estimated 18 acre public housing site, have repeatedly voiced concerns about the lack of resources supporting youth development, particularly the need for youth educational opportunities and mental health services.

With the creation of the IX6 Use District in the River-Adjacent Area, located next to public housing, there is the potential opportunity to establish youth, social services and educational facilities as an allowable use for commercial space requirements in new developments. The Community Plan should be modified to create an incentive in the IX6 Use District that allows youth, social services, educational and similar facilities to be an eligible use to qualify for increased density or floor area in new development in the River-Adjacent Area.

IX. Security Focused on River-Adjacent Area

Constituents have raised concerns about the lack of security in the industrial area near the river, especially given its close proximity to a residential population, particularly the Pico Gardens public housing site. A lack of residents, a lack of lighting, a lack of businesses with ground-floor retail and overall, a lack of activation, particularly at night, leave limited “eyes on the streets”, thus creating conditions conducive to criminal activity.

The Los Angeles Police Department has previously enacted the program, “Crime Prevention through Environmental Design” (CPTED) as a strategy to deter crime by changing the design of buildings and public spaces. Examples of design strategies include site planning to allow “self-patrol” of environments, enhanced lighting, fence design, storefront window design, and strategic use of landscaping and plantings.

Constituents have suggested operational strategies, such as new developments providing 24-hour security or a clear point of contact.

The Community Plan should establish a process to incorporate CPTED strategies and other land-use and operational measures in new developments in order to enhance security and prevent crime focused on the River-Adjacent Area.

X. Form District and Community Benefits Focused on River-Adjacent Area

There is a potential conflict between the industrially-zoned land and permitted land uses in the River-Adjacent Area and the lower-scale, lower-density residential areas to its east, including public housing sites. Local residents of Pico Gardens and other community stakeholders have advocated for community benefits, such as usable open space, and compatibility of new development with the existing lower-scale built environment.

In the interest of promoting compatibility, the Planning Department should conduct a focused study on the interface between the River-Adjacent Area and the residential areas designated for Low-Density and Medium-Density Residential land-use to the east with a focus on promoting compatible building scale, massing, spacing, facade modulation and community benefits, such as usable open space, and to present appropriate Amendments to the Community Plan and zoning ordinance as appropriate.

**Council District 14 Recommendations to PLUM Committee
Boyle Heights Community Plan Update
Council File No. 23-0861**

Recommendations for Council action:

1. INSTRUCT the Planning Department and the Housing Department, in coordination with the City Attorney, to present amendments to the Community Plan and zoning ordinance that establish a Local Preference Program for Affordable Housing Units, consistent with the federal Fair Housing Act (FHA), that gives priority for affordable housing units to households in Boyle Heights that have been or will be displaced from their homes within 12 months due to a natural disaster; have had their residence demolished; have been evicted due to Ellis Act provisions; live or work in the City of Los Angeles; have suffered a government ordered eviction; have been affected by the construction of the I-60 freeway, I-5 freeway, I-10 freeway, and 101 freeway, or reside within households that were subject to redlining as delineated in the 1939 Home Owners Loan Corporation map.
2. INSTRUCT the Planning Department to present amendments to the Community Plan to provide greater specificity to delineate specific parcels applicable to the respective Density Districts on the General Plan Land Use Designation Map.
3. INSTRUCT the Planning Department to present amendments to the Community Plan and zoning ordinance to increase the requirement that mixed-income and 100% affordable housing developments provide a minimum of 30% of the total units as units with two-bedroom or more (excluding projects for veterans, seniors, transition age youth and permanent supportive housing) to 60%.
4. INSTRUCT the Planning Department to present amendments to the Community Plan and zoning ordinance to increase the mandatory inclusionary housing set-aside requirements for Low Income Households from 22% to 50% in the River-Adjacent Area utilizing LAHD's Rent Schedule 6.
5. INSTRUCT the Planning Department to present the same codified measures in tenant protections established under CF 20-1265-S1 for application to the Boyle Heights Community Plan with an amendment to Community Plan Implementation Ordinance (CPIO) relative to Right-of-Return, RSO Unit Replacement and Tenant Anti-Harassment protection measures.
6. INSTRUCT the Department of Transportation, in consultation with the Planning Department, Building and Safety Department and Housing Department, to conduct a parking study of the Boyle Heights Community Plan Area that determines under-parked public streets based upon density, the number of housing units and bedrooms on a given block, street capacity and other factors including but not limited to recommendations on planning tools and modifications to the Boyle Heights Community Plan and zoning ordinance, to provide adequate parking in under-parked areas in the Community Plan Area and new development in the River-Adjacent Area.

7. INSTRUCT the Economic and Workforce Development Department in consultation with the Planning Department to conduct a study recommending effective policies, strategies and resources and modifications to the Boyle Heights Community Plan and zoning ordinance to retain local businesses vulnerable to displacement resulting from market pressures in the Boyle Heights Community Plan Area, including but not limited to regulating rent increases on commercial properties, a commercial property vacancy tax, or tax incentives to property owners to encourage business retention.

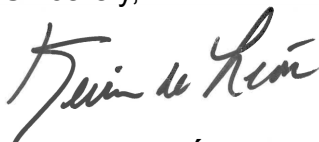
8. INSTRUCT the Planning Department to present amendments to the Community Plan and zoning ordinance to create an incentive in the IX6 Use District that allows youth, social services, educational and similar facilities to be an eligible use to qualify for increased density or floor area in new development in the River-Adjacent Area.

9. INSTRUCT the Planning Department to prepare and present a report with recommendations on amending the Community Plan and zoning ordinance to incorporate “Crime Prevention through Environmental Design” strategies and other security operational conditions in the land development review and approval process focused on the River-Adjacent Area.

10. INSTRUCT the Planning Department to conduct a focused study on the interface between the River-Adjacent Area and the residential areas designated for Low-Density and Medium-Density Residential land-uses to the east with an emphasis on promoting compatible building scale, massing, spacing, facade modulation and community benefits, such as usable open space, and to present amendments to the Community Plan and zoning ordinance as appropriate.

Your thoughtful consideration holds the power to bring about tangible, life-altering transformations for the residents and workforce of Boyle Heights. Gentrification has inflicted profound wounds upon our communities in Los Angeles' eastside and northeast regions. Your determination will shape the destiny of our residents and businesses, deciding whether they will remain ensnared by housing insecurity and victimized by gentrification or if, through strategic planning policies, we can finally break free from this relentless cycle of displacement.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin de León". The signature is fluid and cursive, written over a white background.

KEVIN DE LEÓN

Councilmember, 14th District

