



Kevin de León
Councilmember, Fourteenth District

Los Angeles City Planning Commission
City Hall
200 N Spring St
Los Angeles, CA 90012

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:

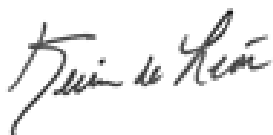
- **Consider Parking Maximums by Transit.** I wish to highlight the statistics provided by Metro regarding overparking close to transit and encourage the City Planning Department to respond with consideration of whether or not there should be additional incentives or disincentives in DTLA that prevent 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