

February 18, 2015

To: PLUM Committee of the Los Angeles City Council
Council File No.: 15-0027
Hearing Date: February 24, 2015 at 2:30 pm.

Case: APCW-2014-364-SPE-SPP-CDP
CEQA: ENV-2014-0365-MND
Plan Area: Venice-Marina Peninsula Subarea
Zone: R3-1

Location: 21 Voyage Street
Applicant: Jay Ramras
Representative: Henry Ramirez

Project: To permit the ongoing use of an existing 830 square foot dwelling unit and, thus, allowing a 3-unit building from what is currently designated a 2-unit building in an R3 zone. To this end, we request the following Venice Specific Plan Exceptions: (1) Density – allow 1,137 square foot area per dwelling unit instead of 1,200 square foot area per dwelling unit; (2) Parking - permit the existing six parking spaces allowed for under the Los Angeles City Zoning Regulations instead of the six parking spaces plus a guest parking space as required under the Specific Plan.

Letter of Support: In support of approval, we ask that the PLUM Committee please consider the following when reviewing the application of the Venice Specific Plan to the project.

The Area Planning Commission may permit an exception from a specific plan if it makes all the following findings:

1. That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;
2. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;
3. That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;
4. That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and
5. That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan

VENICE SPECIFIC PLAN EXCEPTIONS

1. The strict application of the regulations of the specific plan would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the specific plan.

The Applicant has come forward in good faith to request the two Exceptions from the Venice Specific Plan that would allow a 3rd dwelling unit and, as part of the request, has offered to designate this 3rd unit as an affordable dwelling. The application of the density limitation on R3-zoned lots in the Marina Peninsula Subarea in our case would result in practical difficulties and unnecessary hardship inconsistent with the general purpose and intent of the Specific Plan and would also be inconsistent with the State's general goal to provide affordable housing. For one, the 3rd dwelling unit has existed for many years and has added to the limited supply of affordable housing stock that is so vital to that neighborhood. Also, not allowing the Exceptions would result in the displacement of the existing tenant who would seemingly be eligible for affordable housing.

Although the Specific Plan permits an increase density to allow Replacement Affordable units, the Exceptions requested are necessary because the Marina Peninsula Subarea does not include such a provision. Furthermore, the increased density resulting from the 3rd affordable dwelling is not disproportionate to other benefits provided under other laws available to developers offering to create affordable housing. The Applicant, for instance, is unable to rely on the benefits afforded under the Density Bonus Law even though he is offering to provide the same benefit to the community in a proportionate manner.

The California State Legislature has declared that the availability of housing is of vital state-wide importance and has determined that the early attainment of this goal requires the cooperative participation of government and the private sector, (see Government Code Section 65580). To this end, for instance, the California Density Bonus Law, found in Government Code Sections 65915-65918, is designed to implement an important state policy -- to promote the construction of low-income housing and to remove impediments to the same. The law rewards a developer who agrees to build a certain percentage of low-income housing with the opportunity to build more residences than would otherwise be permitted by the applicable local regulations. Under this law, developers whose housing development proposals meet certain thresholds of affordability receive density bonuses. They also receive incentives and development waivers from the local agency -- such as reduced parking requirements and reduced minimum square footage requirements. The number of affordable units the project will provide governs the size of the density bonus and also governs the number of incentives and waivers. By using a progressive scale and linking the size of the density bonus, incentives and waivers to the number of affordable units offered by the developer, the statute promotes the voluntary production of more affordable units.

In our case, the owner has offered to designate the 3rd unit at issue (or 33% of the total resulting units on the property) as an affordable unit. Accordingly, he would have been entitled to a density bonus of up to 35%. Unfortunately, the statute is a state mandate that applies to development projects for five or more residential units. Consequently, the Applicant is not able to rely on the same benefits afforded to other developers under the Density Bonus Law even though he has volunteered to provide the same benefit -- affordable housing. The statute would have also required the city provide additional incentives or concessions where needed based on the percentage of affordable units.

In our case, the Applicant is requesting two Venice Specific Plan Exceptions for the Subarea -- to allow increased density and reduced parking. In seeking this relief, the Applicant has offered to designate the 3rd unit as an affordable dwelling. The increase density and reduced parking

realized by granting the Exceptions from the Specific Plan would not be inconsistent or disproportionate from the rewards granted under other state laws that promote affordable housing, such as the Density Bonus Law.

Furthermore, the subject dwelling unit has been part of the housing stock for many years. No additional square footage was added to the footprint of the building and no additional square footage is being requested or contemplated. The number of parking spaces available already exceeds that required under the Los Angeles City Zoning Regulations.

The removal of the non-permitted dwelling unit would result in practical difficulties and unnecessary hardship in that it would reduce the number of available units and result in the actual displacement of the existing tenant. This result would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition being offered by the Applicant -- to designate the unit as an affordable dwelling -- would partially fulfill the intent of the Specific Plan.

Given the need for affordable housing in the local community and the benefits realized by adding to housing stock, and given the lack of detrimental impact on the neighborhood, this project has received strong support from the community -- including the abutting neighbors, the Venice Land Use Planning Committee, and the Venice Neighborhood Council.

2. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;

Unlike many other properties in the Specific Plan area, the property in our case is subject to and is compelled under the Specific Plan to have a Revocable Permit, or R-Permit (LAMC 62.118.2), from the City of Los Angeles Department of Public Works Bureaus of Engineering. The purpose of the R-Permit is to grant a conditional encroachment of the public right-of-way by private parties not authorized to occupy the right-of-way. R-Permits are valid indefinitely, unless explicitly stated otherwise on the permit. Those obtaining the permit are responsible for paying fees and fulfilling conditions, including obtaining insurance coverage to reduce the City's liability, Waiver of Damages to hold the City harmless, and other maintenance agreements and permits. In our case, the required encroachment of land the Applicant becomes financially responsible for provides an additional 490 square feet to the property -- a requirement that does not generally apply to other properties.

In our case, the lot abuts a 15-foot alley; one-half the width of the alley is assumed to be a portion of the lot when calculating the lot area for density analysis. Similarly, for density analysis, the Applicant should be afforded the benefit of the additional 490 square feet resulting from the R-Permit, especially since the property is uniquely situated such that the Applicant is required under the Specific Plan to maintain that area and is financially responsible for fees and insurance related to this additional square footage.

Other exceptional circumstances involved in this case include such longstanding use of a 3rd dwelling unit by a tenant who seemingly qualifies for affordable housing. Moreover, most properties in the Venice Area were built prior to the adoption of the Venice Coastal Specific Plan, which places certain restrictions that many times do not allow for any further expansion or development of the property. Many of the lots can accommodate additional units. The subject property, such as many others, cannot build additional units and meet the 1,200 square foot area per dwelling unit for that Venice Specific Plan Subarea due to the size of the lot and close proximity of the building to adjacent building. However, some properties can do internal

reconfiguration of the useable space to create an additional unit without changing the building footprint. In our case, no additional square footage was added to the footprint of the building and no additional square footage is being requested or contemplated. The six parking spaces it currently provides are in excess of the Los Angeles City Zoning Regulations.

In addition, the removal of the non-permitted dwelling unit would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. Moreover, the addition of the affordable housing condition -- to provide an affordable dwelling -- would partially fulfill the intent of the Specific Plan.

3. That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

The intent of the Specific Plan was to ensure that new development and additions to existing residential buildings was regulated and compatible with the character of the existing community. In our case, there are other existing structures in the immediate area that were constructed and developed prior the adoption of the Specific Plan that do not comply with the density limits of the Specific Plan. For instance, 24 Union Jack Street is a triplex with a lot size of 3,149 square feet and a lot area per dwelling unit of 1,050 square feet.

It should also be noted that one of the main issues identified with unpermitted dwelling units in Venice, and intended to be addressed by the Specific Plan, is that many of the units do not provide on-site parking for the additional tenants, thus forcing more vehicles to park on the street where parking is extremely impacted. The subject property, however, does not create a parking problem because it provides six parking spaces for the three units. The six parking spaces it currently provides are in excess of the Los Angeles City Zoning Regulations. Moreover, the substantial property right is the ability to maximize the property's potential use and for apartments this typically translates to units.

4. That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

The subject property is located in a fully developed and established area of the Marina Peninsula Subarea. The density, height and parking components of the property are consistent with other properties in the area developed prior to the enactment of the Specific Plan. The granting of the requested Exceptions will not be detrimental to the welfare of the existing and adjacent Marina Peninsula Subarea community. Specifically, permitting the 3rd dwelling unit will be more beneficial to the adjacent multi-family properties than if the Exceptions were denied and, consequently, the subject Property reverted back to the greater density of 1,706 square feet of lot area per dwelling unit for the two remaining dwelling units plus a recreational room and six parking spaces. The removal of the 3rd non permitted dwelling unit would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area.

Given the need for affordable housing in the local community and the benefits realized by adding to housing stock, and given the lack of detrimental impact on the neighborhood, this project has received strong support from the community – including the abutting neighbors, the Venice Land Use Planning Committee, and the Venice Neighborhood Council.

5. That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

The Venice Local Coastal Program reads in pertinent part:

Policy 1.A.5: Preserve and protect stable multi-family residential neighborhoods ... and the residents' quality of life can be maintained and improved.

The Venice Community Plan Text includes the following relevant land use objectives, policies, and programs:

Residential Land Use

- a. *Objective 1-1: To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

It also states under *Objective 1-3:*

Policy 1-3.2: *Proposals to alter planned residential density should consider factors of neighborhoods character and identity, compatibility of land uses, impact on livability, adequacy of public services and facilities, and impact on traffic levels.*

In our case, the property with three units is compatible with the overall residential density in the area. The requested Exceptions would preserve and protect multi-family housing opportunities in the community and would not displace tenants. Granting the Exceptions would result in permitting a 3rd dwelling unit that has been in existence and occupied for about 25 years, whereas denial would result in a greater density of 1,706 square feet lot area per dwelling unit for only two units plus a recreational room and six parking spaces. The denial would also deprive the Applicant of any benefit for the additional square footage the Specific Plan compels him to maintain, physically and financially, per the R-Permit requirement. The removal of the non-permitted unit would reduce the number of available units and would be in conflict with the intent to provide adequate housing in the Specific Plan area. The addition of the affordable housing condition would partially fulfill the intent of the Specific Plan to provide affordable housing in the Marina Peninsula Subarea.

Just as important, the proposal to alter planned residential density was in fact a factor considered by those living in the neighborhood. After such consideration, this project has received strong support from the community – including the abutting neighbors, the Venice Land Use Planning Committee, and the Venice Neighborhood Council.

CONCLUSION

For all the reasons stated above, we respectfully request that the PLUM Committee approve this project.