

Venice Neighborhood  
Council  
Post Office Box 550  
Venice, CALIFORNIA 90294



## Land Use and Planning Committee

Staff Report to Board of Officers  
March 20, 2007



**Case Number:** ENV 2007-432 CE

**Address of Project:** 245 Market Street

**Size of Parcel:** 2,850 sq. ft.

**Size of Dwelling:** The size of the “bootleg” unit is 463 sq. ft.

**Venice Subarea:** North Venice

**Permit Application Date:** January 26, 2007

**Applicant:** John Reimers  
**Address:** PO Box 2873 Venice, CA 90294

**Date heard by LUPC:** February 28, 2007

**WLA Area Planning  
Commission Dates:** N/A

### **LUPC Motion to Recommend that the VNC Board of Officers (language from minutes)**

Robert Aronson moved, seconded by Susan Papadakis to recommend that the VNC Board of Officers approve the third unit in this building at a level of very low affordable for thirty years with a recorded covenant that one parking is required, the cost of which is passed on dollar-for-dollar to the tenant above the very low affordable rent and any costs for any repairs or changes ordered by Building and Safety are passed on dollar-for-dollar at a maximum of \$100 per month until paid; seconded by Susan Papadakis.

**VOTE:** 4 in favor; 3 opposed; 1 abstained. The motion passed.

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# **REPORT**

## **Project Description:**

The applicant states that he is seeking a parking variance to LEGALIZE a 463 sq. ft. 'bootleg' unit in the north Venice subarea. The illegal unit is part of a triplex. The subject unit is on the ground floor and the legal duplex occupies the second and third floors. However, what the applicant is technically requesting is a 35% density bonus for an existing housing development and not for a proposed development as it would normally be done.

## **Project Description by Applicant on submitted LUPC Project Form Stating Requested Action by Venice Neighborhood Council:**

A 463 sq ft 'bootleg' unit exists at 245 Market (Unit C). It is currently vacant. Applicant seeks to legalize the existing condition/change use. The unit in question does not have sufficient parking. Therefore a variance for parking would be required.

## **Section of Venice Coastal Zone Specific Plan and/or the Los Angeles Municipal Code governing this particular site:**

The LA HOUSING DEPARTMENT 'AFFORDABLE HOUSING INCENTIVES GUIDELINES' states that "In conformance with State law, at least one incentive or concession, in addition to the density bonus, must be provided to projects that set aside affordable units." Furthermore, the California government code states in paragraph (5) of subdivision (g) of Section 65915 that "The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval."

The Venice Coastal Zone Specific Plan echoes both the State and the LAHD in calling for Affordability levels not exceeding 30% of 60% of the FMI. The subject unit has one bedroom and therefore it accommodates two people. The 2006 60% FMI is \$33,262 and the max rent for that unit is \$831/mo.

## **Summary of Arguments Against this Project/Issue:**

Some of the Committee members expressed discomfort with making a decision regarding low income housing without parking and suggested that a parking arrangement be made or that the applicant pays an in lieu of parking fee. Others questioned the code compliance of the unit. Another argument was that the 60% affordability level called by the VCZSP was too high and suggested changing the affordability level to 50% in addition to the requirement to provide one off-site parking space. The comment that a precedent would be set was also made.

## **Summary of Arguments For this Project/Issue”**

However, it was also pointed out that a precedent is not being set because there is specific language both at the state and local levels that provides for legalization of similar units with the provision of affordable housing as long as a covenant of at least 30 years is recorded. In response to the Building and Safety issue, it was stated that, just as it is with any other application, once the zoning application is approved, the Department of Building and Safety will be responsible for enforcing code restrictions. The Committee was reminded that the intent of the State law and LAHD was to provide incentives for the provision of affordable housing and State law included language to penalize municipalities that do not grant concessions and variances in similar cases.

## **Summary of Public Comment:**

Steve Clair, Executive Director of Venice Community Housing Corporation, referred to the number of illegal units in the City of Los Angeles that are being removed from the market, impacting the housing crisis, reported that the subject property is not in violation of any requirements other than parking, and urged LUPC to look favorably on the request.

## **Summary of Findings by LUPC:**

LUPC agreed that the permit for the third illegal unit in this building should be granted but only if the affordability be kept at a very low affordable level (50%) for thirty years with a recorded covenant and that one off-street parking space be provided, the cost of which is passed on dollar-for-dollar to the tenant above the very low affordable rent and any costs for any repairs or changes ordered by Building and Safety are passed on dollar-for-dollar at a maximum of \$100 per month until paid.

**Author of Report: Maury Ruano**

**Date: March 15, 2007**