



Information Item

Date: May 6, 2013

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 2462 Oak Street (12OC-002)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2462 Oak Street. The subject property is located in the R2 zoning district.

Discussion

The three units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on December 12, 2001. Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on finding that the property or rental unit therein is to be used for multifamily rental housing, and the Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board.

Subsequent to the units being withdrawn from Rent Control, the following development entitlements were being pursued by the property owner(s):

- Administrative Approval 02AA006 new 4-unit, multi-residential building
- Architectural Review Board 03ARB170 building design, color & materials
- Extension Request 04EXD004 requesting extension of 02AA006
- Tentative Map 09TM005 airspace subdivision for 5-unit condominium
- Architectural Review Board 10ARB220 building design, color & materials
- Architectural Review Board 12ARB269 façade remodel of existing building.

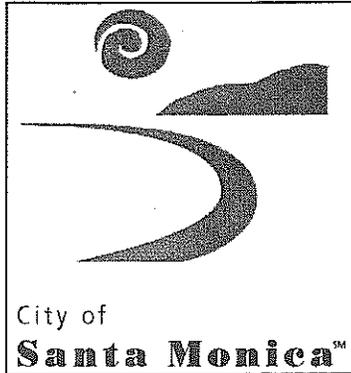
The Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit No. 12OC-002 conforms to these provisions.

The determination granting the Occupancy Permit (12OC-002) was issued on May 6, 2013. Pursuant to SMMC Section 4.32.130 (c)(4) the Planning Director shall make a written report to the Planning Commission and the City Council within five days of approving an Occupancy Permit.

According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

Prepared by: Grace Page, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number: Occupancy Permit No. 12OC-002

Address: 2462 Oak Street (3 units)

Zoning: R2, Low Density Multiple Residential

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a three-unit residential building in accordance with the Ellis Act.

CEQA Status: The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.

Applicant: Bill Tsui

Rent Control Status: The property was withdrawn from Rent Control on December 12, 2001. The Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board.

Comments/Conclusion: The applicant requests to reoccupy a three-unit residential building. Subsequent to the property being withdrawn from Rent Control the following entitlements were being pursued:

- 02AA006, Administrative Approval for a four-unit apartment building, approved
- 03ARB170, Architectural Review Board building design, color and materials, approved

- 04EXD004, Extension Request for extension of 02AA006, denied
- 09TM005, Tentative Map for five-unit condominium airspace subdivision, approved
- 10ARB220, Architectural Review Board building design, color and materials, withdrawn
- 12ARB269, Architectural Review Board façade remodel of existing building, approved

Determination

The property is designated Low Density Housing in the Land Use Element of the General Plan and is located in the Low Multiple Family Residential (R2) District of the Zoning Code.

The Planning Director finds that the property or rental units therein is to be used for multifamily rental housing, and the Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board.

The application for Occupancy Permit No. 12OC-002 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and conditions.

CONDITIONS

1. Within ten (10) days of transmittal of City Planning Division approval, the applicant shall sign the Occupancy Permit determination prepared by the City Planning Division.
2. No property or rental units therein which have been withdrawn pursuant to the Ellis Act, Government Code Sections 7060 et seq., shall be subsequently occupied unless an occupancy permit is obtained in accordance with the provisions of this Section.
3. One of the four units will be owner-occupied, one unit will remain vacant and two units will be rented to tenants. The units rented shall comply with the Rent Control Law (Government Code Section 7060 – 7060.7).
4. Failure to comply with the conditions shall constitute grounds for revocation of the permit approval. Failure to comply with this condition shall constitute grounds for permit revocation, pursuant to Section 9.04.20.28.040 (SMMC).

Determination by:  Date: 5-6-13
 Amanda Schachter, Zoning Administrator

Case Planner: Grace Page, Associate Planner

EFFECTIVE DATE OF ACTION: _____

Acknowledgement by Permit Holder

I agree to the above conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the permit approval.

Signature

Date

Print name here

Drivers License Number
Santa Monica, California

