



Information Item

Date: January 17, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1813 17th Street (13OC-006)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1813 17th Street.

Discussion

The six units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on January 17, 2007. Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on the Planning Director finding that the property or rental units therein are 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 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. 13OC-006 conforms to these provisions.

The determination granting the Occupancy Permit 13OC-006 was issued on January 17, 2014. 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: Russell Bunim, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number: Occupancy Permit No. 13OC-006

Address: 1813 17th Street
(4-unit front structure on a 6-unit property)

Zoning: Low Density Multiple Family (R2)

General Plan: (Low Density Housing)

Proposed Use: The applicant proposes to re-occupy the front, four-unit residential building on a six-unit lot 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: Michael Mockler

Rent Control Status: The property was withdrawn from Rent Control on January 17, 2007. The Rent Control Board and 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: According to the occupancy permit application, the property is being kept off the rental market for non-rental occupancy by the owner and his wife and three other individuals who have certified that they are not renting the units they will occupy.

Determination

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. 13OC-004 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 and the other three units will be occupied by people who do not have an ownership interest in the property and who do not pay rent. *There are no restrictions on the number of units that can be owner-occupied under Rent Control Law (Article XVIII of the Santa Monica City Charter); however, if any of the units are subsequently rented out, they 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).

<p><i>Determination by:</i> _____ <i>Date:</i> _____ Amanda Schachter, Zoning Administrator</p> <p><i>Case Planner:</i> Russell Bunim, Associate Planner</p>

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

Driver License Number