



# Information Item

**Date: February 11, 2014**

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 2623 5<sup>th</sup> Street (13OC-007)

## **Introduction**

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2623 5<sup>th</sup> Street. The subject property is developed with a four unit multi-family building located in the OP2 zoning district.

## **Discussion**

The four units at this property were withdrawn from the rental market pursuant to the Ellis Act 120 days after the filing of Intent to Withdraw notice, which was April 10, 2007. Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on the finding that the property or rental unit therein is to be used for multifamily rental housing, and that 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 13OC-007 for 2623 5<sup>th</sup> Street conforms to these provisions, as certified by the Rent Control Board.

The determination granting Occupancy Permit 13OC-007 was issued on February 11, 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: Rachel Dimond, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

**OCCUPANCY  
PERMIT DETERMINATION**

Case Number:	Occupancy Permit No. 13OC-007
Address:	2623 5 <sup>th</sup> Street (4 Units)
Zoning:	Ocean Park Low Density Multiple Family (OP2) District
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to reoccupy a four-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:	Gregory Horwitz
Rent Control Status:	The four units on the subject property were withdrawn from Rent Control on April 10, 2007. 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 four-unit residential building. One of the four units (2623A) will be owner-occupied and the other three units (2623/Front, 2623½/Middle, 2623B) will be returned to the rental market.

**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-007 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. Of the four units on-site, one will be owner-occupied and the other three units will be rented at market rate, subject to Rent Control Law. 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> Rachel Dimond, Associate Planner</p>
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EFFECTIVE DATE OF ACTION: December 10, 2013

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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.**

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Signature

Date

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Print name here

Driver License Number  
Santa Monica, California