



Information Item

Date: June 17, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1123 Ocean Park Boulevard (13OC-005).

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1123 Ocean Park Boulevard. The subject property is developed with a four-unit residential building located in the R3 zoning district.

Discussion

The four-unit apartment building located at 1123 Ocean Park Boulevard has been withdrawn from the rental market. Two units (Units A and B) were withdrawn from Rent Control on August 8, 2013, and the remaining two units (Units C and D) were withdrawn on April 10, 2014. Units have been vacant since their withdrawal from Rent Control. Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved based on the finding that no more than one unit on the property will be occupied by owners of the property. The applicant requests to reoccupy the four-unit residential building, in which one of the four units will be owner-occupied, and the other three units will be occupied by family members who do not have an

ownership interest in the property and who do not pay rent. In such situations, other units on the property may be occupied, provided such occupants do not have any ownership interest in the property and do not pay rent as defined in Section 1801(f) of the City Charter. 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-005 at 1123 Ocean Park Boulevard conforms to these provisions.

The determination granting Occupancy Permit 13OC-005 was issued on June 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: Steve Mizokami, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 13OC-005

Address: 1123 Ocean Park Boulevard

Zoning: R3 (Medium Density Multi-Family Residential District with Boulevard Residential Overlay District)

General Plan: Medium Density Housing

Proposed Use: Allow occupancy of 4 residential units following withdrawal pursuant to the Ellis Act.

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

Applicant: Victoria Van Trees

Rent Control Status: Two of the four residential units on the property were withdrawn from Rent Control on August 8, 2013, and the remaining two residential units on the property were withdrawn from Rent Control on April 10, 2014. 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 will be owner-occupied and the other three units will be occupied by family members who do not have an ownership interest in the property and who do not pay rent. Specifically, two of the four residential units on the property were withdrawn from Rent Control on August 8, 2013 (Units A and B), and the remaining two

units (Units C and D) were withdrawn from Rent Control on April 10, 2014. 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. This occupancy permit authorizes re-occupancy of Units A, B, C, and D effective as of the date of this approval.

Determination

The Planning Director finds that no more than one unit on the property will be occupied by owners of the property. In such situation, other units on the property may be occupied, provided such occupants do not have any ownership interest in the property and do not pay rent as defined in Section 1801(f) of the City Charter.

The application for Occupancy Permit No.13OC-005 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 family members who do not have an ownership interest in the property and who do not pay rent.
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:* _____
Amanda Schachter, Zoning Administrator

Case Planner: Steve Mizokami, 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