



# Information Item

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Date: July 3, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 901 Washington Avenue (11OC-011)

## Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 901 Washington Avenue. The seven units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on January 25, 2002. The property sat vacant and in disrepair. The property owner of 901 Washington Avenue passed away in 2009 and the property, which was held in a Trust, was transferred to Successor Trustees. The new Trustees of the property applied for and received building permits in December 2009 for repairs. Repairs were completed in August 2011 and the Successor Trustees filed an Occupancy Permit on September 1, 2011 to return the units to the Rental Market. The Rent Control Board indicates the units were re-rented as of October 6, 2011 and re-registered as of October 11, 2011. However, a dispute between a prior tenant and the applicant resulted in a delay by the Rent Control Board certifying compliance with State and Board requirements until August 8, 2012.

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 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 applicant is requesting that the seven units be returned to the rental market.

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 on August 8, 2012. The application for Occupancy Permit No. 11OC-011 conforms to these provisions.

The determination granting the Occupancy Permit No. 11OC-011 was issued on July 3, 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. The seven residential units have subsequently been registered and re-rented on October 6, 2011 under the authority of the Rent Control Board.

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.

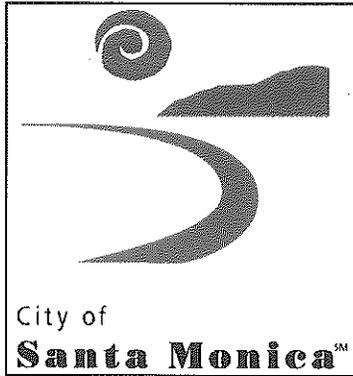
Prepared by: Gina Szilak, Associate Planner

Attachment A: Occupancy Permit Determination

Attachment B: Occupancy Permit Application

cc: Planning Commission

**ATTACHMENT A**  
**OCCUPANCY PERMIT DETERMINATION**



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 11OC-011

Address: 901 Washington Avenue

Zoning: R2 Low Density Multifamily

General Plan: Low Density Housing

Proposed Use: The applicant proposes to return 7 residential units to the rental market 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: Stephen Bourcier Trustee; Luise Farr Trust.

Rent Control Status: The property had seven units withdrawn from Rent Control on January 25, 2002. The Rent Control Board on August 8, 2012, 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 seven units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on January 25, 2002. The property sat vacant and in disrepair. The property owner of 901 Washington Avenue passed away in 2009 and the property, which was held in a Trust, was transferred to Successor Trustees. The new Trustees of the property applied for and received building permits in December 2009 for repairs. Repairs were completed in August 2011 and the Successor Trustees filed an Occupancy Permit on September 1, 2011 in compliance

with the City's Santa Monica Municipal Code (SMMC) requirements under Section 4.32.130 (Permits necessary for occupancy of property following withdrawal pursuant to the Ellis Act) to return the units to the Rental Market. The Rent Control Board indicates the units were re-rented as of October 6, 2011 and re-registered as of October 11, 2011. However, a dispute between a prior tenant and the property owner(s) resulted in a delay by the Rent Control Department certifying compliance with State and Board requirements until August 8, 2012.

### 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 seven rental units have subsequently been registered and re-rented under Rent Control.

The application for Occupancy Permit No.11OC-011 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following 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. The property owners have subsequently registered and re-rented the units subject to the authority of the Rent Control Board. The property owner shall notify the Rent Control Board and City Planning of any change to the property if they intend the units are no longer to be used for residential rental purposes.
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: Amanda Schachter Date: 7.3.14  
Amanda Schachter, Zoning Administrator

Case Planner: Gina Szilak, Associate Planner

EFFECTIVE DATE OF ACTION: \_\_\_\_\_

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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

Drivers License Number  
Santa Monica, California

**ATTACHMENT B**  
**OCCUPANCY PERMIT APPLICATION**



CITY OF SANTA MONICA – CITY PLANNING DIVISION  
**OCCUPANCY PERMIT APPLICATION  
 FOR OCCUPANCY OF PROPERTY FOLLOWING  
 WITHDRAWAL PURSUANT TO THE ELLIS ACT**

*This part to be completed by City staff*

Application Number(s): 1106-D11

Filing Date: 9/1/11

Fee: \$ \_\_\_\_\_

Receipt#: \_\_\_\_\_

Received by: IVAN LAI

Once a property has been withdrawn from the rental market under the procedures set forth in Government Code Sections 7060 et seq., there are specific requirements that must be met in order for the property to be subsequently occupied. The Planning Division is responsible for reviewing and acting upon occupancy applications. Any interested party can appeal the Planning Division's decision to the Planning Commission, and then to the City Council, in accordance with Subchapter 9.04.20 Part 9.04.20.24 of the Santa Monica Zoning Ordinance. Appeal forms can be obtained at the City Planning counter.

**\*\*REQUIRED FILING MATERIAL: PROVIDE A COPY OF THE GRANT DEED FOR SUBJECT PROPERTY\*\***

**PART 1 GENERAL INFORMATION**

PROPERTY ADDRESS: 901 Washington Ave.

Land Use Element District: \_\_\_\_\_ Zoning District: R2

Legal Description (Lot, Block, Tract) Lot M, Block 42, in City of Santa Monica

**APPLICANT**  
 Name: Stephen Bourcier Trustee

Address: P.O. Box 712308 Los Angeles 90071 Phone: 310-564-1742

Email: stephenbourcier@aol.com

**PROPERTY OWNER**  
 Name: Luise Farr Trust

Address: P.O. Box 712308, Los Angeles 90071 Phone: 310 564-1742

Email: \_\_\_\_\_

**ATTORNEY**  
 Name: Rosario Perry

Address: 312 Pico Blvd Phone: 310 394 9831

Email: Rosario@oceanlaw.com

**PART 2 WITHDRAWAL COMPLETE  
RENT CONTROL BOARD CERTIFICATION (staff use only)**

901, 903, 905, 907, 909, 911, 911A      1/25/02  
Unit identification      Date of withdrawal

\_\_\_\_\_  
Unit identification      Date of withdrawal

[Signature]      Staff Attorney      8/6/12  
Rent Control Signature      Title      Date Signed

**PART 3 SITE CHARACTERISTICS**

Number of Existing Units: <u>7</u>	Number of Units at site prior to exercise of Ellis Act: <u>7</u>
Number of Studio Units: <u>0</u>	1-BR Units: <u>4</u>
2-BR Units: <u>3</u>	3-BR Units: <u>0</u>
4-BR Units: <u>0</u>	5+BR Units: <u>0</u>
Number of Units at site to remain if intended use is approved: <u>7</u>	
List unit size(s):	
Number of Parking Spaces:	
Existing <u>6</u>	Standard <u>X</u> Compact      Tandem
Proposed <u>6</u>	Standard <u>X</u> Compact      Tandem

Description of all intended on-site uses. Include description of any units to remain vacant:  
Residential Rental all units to be rented.

If the existing structure(s) will be altered significantly, please specify proposed alterations:  
- NONE - for this application

**PART 4 INTENDED OCCUPANCY CHARACTERISTICS**

To be filled in if this application is for residential occupancy

Applicants who wish to use the property for residential purposes must complete the following:

- 1. a.) Will a unit be occupied by the owner?  Yes  No
- b.) Which unit will be so occupied \_\_\_\_\_ unit #
- c.) Owner's name \_\_\_\_\_
- d.) Will any of the other units be occupied?  Yes  No
- e.) List the name(s) of the person(s) other than owner who will be occupying the units and which units will be so occupied:

Name	units to Be Rented to New Tenants	Unit No.

No more than one unit may be occupied by an owner of the property. The owner can have other persons living in the other units, provided those persons do not have any ownership interest in the property and do not pay rent.

- 2. Will the property be returned to use as multi-family rental housing? Yes  
If yes, then the Rent Control Certification below must be completed. ok
- 3. Will the property be used as a Cooperative Apartment? No  
If Cooperative is proposed for the property, Subdivision Map and Conditional Use Permit are also required in addition to this application (see below).

**FOR MULTIFAMILY RENTAL HOUSING - RETURN WITHDRAWN UNITS TO RENTAL MARKET**

**RENT CONTROL BOARD CERTIFICATION (to be completed by Board Staff Member)**

The applicant has complied with requirements set forth in the Government Code Sections 7060.2 and 7060.4 and with applicable regulation promulgated by the Rent Control Board.

Name Hakhamanesh Mortezaie Date 8/6/12  
 Title Staff Attorney

**FOR COOPERATIVE APARTMENTS ONLY:**

Has a subdivision map been obtained in accordance with Chapter 3 of Article IX of the Santa Monica Municipal Code?  Yes  No

Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:  
 Date of Approval \_\_\_\_\_ TTM No. or Parcel Map No. \_\_\_\_\_

Date of approval for the Final Tract Map: \_\_\_\_\_

**PART 5 CERTIFICATION**

**OWNER:**

I CERTIFY UNDER PENALTY OF PERJURY that the information contained in this application is correct.

Stephen C. Bourci, Trustee  
Owner's Signature

9/1/11  
Date

N9384846 CALIFORNIA  
Driver's License Number and State of Issuance

8/25/12  
Expiration Date

**OCCUPANT/S**

*Not Relevant/Applicable*

With this signature, I declare I will not transfer money, provide services, or offer other forms of compensation to the owner in exchange for residency within the subject property.

Occupant's Signature

Date

**PART 5 CERTIFICATION**

**OWNER:**

I CERTIFY UNDER PENALTY OF PERJURY that the information contained in this application is correct.

<u>Michele L. Bourcier, Trustee</u> Owner's Signature	<u>9/11/11</u> Date
<u>CO166597, CALIFORNIA</u> Driver's License Number and State of Issuance	<u>11/15/13</u> Expiration Date

**OCCUPANT/S**

*Not Relevant / Applicable*

With this signature, I declare I will not transfer money, provide services, or offer other forms of compensation to the owner in exchange for residency within the subject property.

<u>Occupant's Signature</u>	<u>Date</u>

**PART 5 CERTIFICATION**

OWNER:

I CERTIFY UNDER PENALTY OF PERJURY that the information contained in this application is correct.

*[Handwritten Signature]*  
\_\_\_\_\_  
Owner's Signature

*9/1/2011*  
\_\_\_\_\_  
Date

*C1211332 CA*  
\_\_\_\_\_  
Driver's License Number and State of Issuance

*9/19/2014*  
\_\_\_\_\_  
Expiration Date

OCCUPANT/S

*Not Relevant/Applicable*

With this signature, I declare I will not transfer money, provide services, or offer other forms of compensation to the owner in exchange for residency within the subject property.

_____ Occupant's Signature	_____ Date
_____ Occupant's Signature	_____ Date