



Information Item

Date: August 6, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1336 Ocean Park Boulevard (11OC-016)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1336 Ocean Park Boulevard. The subject property is developed with a four unit multi-family building located in the R3 zoning district.

Discussion

The four units at this property were withdrawn from the rental market pursuant to the Ellis Act on March 1, 2006. Following withdrawal of the units, Rent Control Board staff conducted an inspection of the property to ensure vacancy. Board staff concluded that one non-rent paying tenant was allowed to stay for a short period after withdrawal. Board staff has no information regarding any vacancy after May 2006. An 8-unit condominium project was approved at the site (also including 1332 Ocean Park Blvd.) and was submitted for plan check but never built. The property owner now proposes to return all four units to the rental market. According to Rent Control Board records, the property was re-rented on November 17, 2011. Because the property was returned to

the rental market more than 5 years but less than 10 years after its withdrawal, the owner must first offer the units to any tenants displaced. When a property owner intends to return to the rental market, they are required to file a Notice of Intent to Re-Rent with the Rent Control Board. Upon receipt of the notice, staff completes research to locate displaced tenants, notifies them that the property owner is returning to the market and that they may request an offer to return to their units if they are interested. They have 30 days to respond from the date that the owner files the Notice of Intent to Re-Rent. None of the displaced tenants expressed an interest in re-renting their former units.

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. An Occupancy Permit application was filed on November 16, 2011. 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 November 27, 2012. The application for Occupancy Permit 11OC-016 for 1336 Ocean Park Boulevard conforms to these provisions.

The determination granting Occupancy Permit 11OC-016 was issued on August 6, 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.

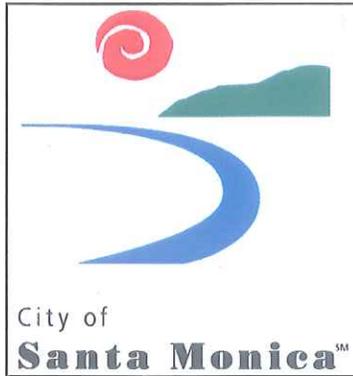
Prepared by: Gina Szilak, Associate Planner

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-016
Address:	1336 Ocean Park Boulevard
Zoning:	R3 Medium Density Multifamily/ BR Overlay
General Plan:	Medium Density Housing
Proposed Use:	The applicant proposes to return 4 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:	Carlo Bonanelli, Managing Member, New West TC, LLC
Rent Control Status:	The property had four units withdrawn from Rent Control on March 1, 2006. The Rent Control Board on November 27, 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. The units were returned to the rental market on November 17, 2011.

Comments/Conclusion: The applicant requests to reoccupy a four-unit residential property that was registered and re-rented on November 17, 2011. Because the property was returned to the rental market more than 5 years but less than 10 years after its withdrawal, the owner must first offer the units to any displaced tenants.

When a property owner intends to return to the rental market, they are required to file a

Notice of Intent to Re-Rent to the Rent Control Board. Upon receipt of the notice, staff does research to locate displaced tenants, notifies them that the property owner is returning to the market and they may request an offer to return to their units if they are interested. They have 30 days to respond from the date that the owner files the Notice of Intent to Re-Rent. None of the displaced tenants expressed an interest in re-renting their former units.

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. An Occupancy Permit application was filed on November 16, 2011. The Rent Control Board 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 November 27, 2012. The application for Occupancy Permit 11OC-016 for 1336 Ocean Park Boulevard conforms to these provisions.

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

The application for Occupancy Permit No.11OC-016 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: 8.6.14
Amanda Schachter, Zoning Administrator

Case Planner: Gina Szilak, 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.

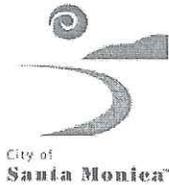
Signature

Date

Print name here

Drivers License Number
Santa Monica, California

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)

1106016

Filing Date: 11-16-2011
 Fee: \$ _____
 Receipt#: _____
 Received by: _____

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: 1336 Ocean Park Blvd., Santa Monica, CA 90405

Land Use Element District: ^{HIGH} DENSITY HOUSING Zoning District: ~~SMR31Y~~ R3 DISTRICT / BOULEVARD RESIDENTIAL OVERLAY DISTRICT

Legal Description (Lot, Block, Tract) Lot 17 Tract 5217

APPLICANT

Name: NEW WEST TC, LLC By Carlo Bondanelli, Managing Member

Address: 6380 Wilshire Blvd, Ste 1530
Los Angeles, CA 90048 Phone: (323) 655-9465

Email: cbondanelli@gmail.com

PROPERTY OWNER

Name: NEW WEST TC, LLC

Address: 6380 Wilshire Blvd, Ste 1530
Los Angeles, CA 90048 Phone: (323) 655-9465

Email: cbondanelli@gmail.com

ATTORNEY

Name: N/A

Address: _____ Phone: _____

Email: _____

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	Unit No.
Not determined	#105
"	#106
"	#107
"	#108

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.
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 MULT-FAMILY 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.

Akhmanesh Morzeai 11/27/12
Name Date
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.

Rulo Brouhner
Owner's Signature

11/9/2011
Date

N7839719 CA
Driver's License Number and State of Issuance

10/15/2015
Expiration Date

OCCUPANT/S

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