



Information Item

Date: August 7, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1332 Ocean Park Boulevard (11OC-017)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1332 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The four units at this property were withdrawn from the rental market pursuant to the Ellis Act on March 1, 2006.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 1336 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.

One of the displaced tenants claimed to Rent Control Board staff that she had expressed an interest in re-renting her former unit. However, the property owner stated that no notification of the tenant's interest to re-rent had been received and subsequently re-rented the displaced tenant's unit. The tenant was unable to produce any evidence to Rent Control Board staff that she had sent the property owner a timely re-rent request. The Rent Control Board subsequently certified the property owner's compliance with the regulations for returning the withdrawn rental unit to the rental market on November 27, 2012.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 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-017 for 1332 Ocean Park Boulevard conforms to these provisions.

The determination granting Occupancy Permit 11OC-017 was issued on August 7, 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.

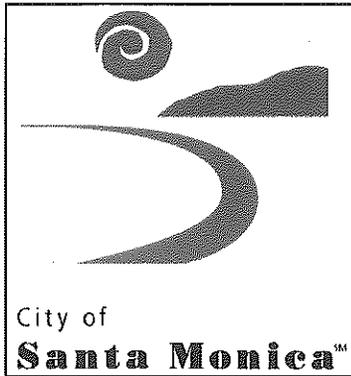
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same 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-017

Address: 1332 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 owner 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

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. One of the displaced tenants claimed to have expressed an interest in re-renting her former unit. However, the property owner stated that no notification of the tenant's interest to re-rent had been received and subsequently re-rented the displaced tenant's unit. The tenant was unable to produce any evidence that she sent the property owner a timely re-rent request.

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-017 for 1332 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-017 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).

<p>Determination by: <u>Amanda Schachter</u> Date: <u>8-7-14</u> Amanda Schachter, Zoning Administrator.</p> <p>Case Planner: <u>Gina Szilak, Associate Planner</u></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 _____ 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)
11 OC-017

Filing Date: 11/10/2011
 Fee: \$ 1,701.12
 Receipt#: _____
 Received by: CHRIS TOWNES

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: 1332 Ocean Park Blvd. Santa Monica, CA 90405

Land Use Element District: HIGH DENSITY HOUSING Zoning District: SMR3YY R3 DISTRICT / BOULEVARD RESIDENTIAL OVERLAY DISTRICT

Legal Description (Lot, Block, Tract) Lot 16 Tract 5217

APPLICANT

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

Address: 6380 Wilshire Blvd., Ste 1530 Phone: (323) 655-9465

Los Angeles, CA 90048
 Email: cbondanelli@gmail.com

PROPERTY OWNER

Name: NEW WEST TC, LLC

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

Email: cbondanelli@gmail.com

ATTORNEY

Name: N/A

Address: _____ Phone: _____

Email: _____

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

A, B, C, D Unit identification 3/1/06 Date of withdrawal

Unit identification _____ Date of withdrawal

[Signature] Rent Control Signature Staff Attorney Title 11/27/12 Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units:	4	Number of Units at site prior to exercise of Ellis Act:	4
Number of Studio Units:	0	1-BR Units:	4
2-BR Units:	0	3-BR Units:	0
4-BR Units:	0	5+BR Units:	0
Number of Units at site to remain if intended use is approved:		4	
List unit size(s):	Unit A 600 sq. ft.	Unit C 600 sq. ft.	
	Unit B 600 sq. ft.	Unit D 600 sq. ft.	
Number of Parking Spaces:	4 detached garages		
Existing	4	Standard	4
Proposed		Compact	Tandem
		Compact	Tandem

Description of all intended on-site uses. Include description of any units to remain vacant:
All units are to be rented as residences.

If the existing structure(s) will be altered significantly, please specify proposed alterations:
No alterations.

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	# 101
"	# 102
"	# 103
"	# 104

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 Morzezaic 11/27/12
 Name Date
Staff Attorney
 Title

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

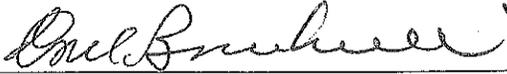
Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:
Date of Approval _____ TTM No. or Parcel Map No. _____

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.



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

Occupant's Signature

Date

Occupant's Signature

Date

Occupant's Signature

Date