

Information Item

Date: August 26, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 30 Seaside Terrace (11OC-022)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 30 Seaside Terrace. The eight units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on February 26, 2000. There are some indications that some of the units were occupied following withdrawal from the rental market as cited by Code Compliance records from 2007 through 2012. The property was completely vacant and boarded up as of January 2013.

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 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 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. 11OC-022 conforms to these provisions. A building permit, 13CBP0306, has been issued to reduce the number of units from eight to five. The permit remains valid and the work is on-going. Upon completion of the work, the building will be used for residential purposes by the owner where one unit will be owner-occupied and the other four units will be occupied by non-rent paying family members.

The determination granting the Occupancy Permit No. 11OC-022 was issued on August 26, 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.

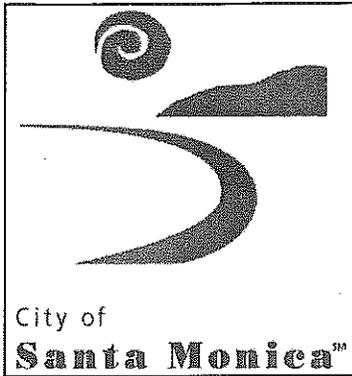
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same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

Prepared by: Gina Szilak, Associate Planner

cc: Planning Commission

Attachments: A. Occupancy Permit Determination
B. Occupancy Permit Application

ATTACHMENT A
OCCUPANCY PERMIT DETERMINATION



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 11OC-022

Address: 30 Seaside Terrace

Zoning: R3 Medium Density Residential District/ Beach Overlay District

General Plan: Medium Density Housing

Proposed Use: The applicant proposes to reoccupy a five-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: KC Real Estate Investments, Inc.

Rent Control Status: Eight units were withdrawn from Rent Control on February 26, 2000. 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. A building permit has been issued to reduce the number of units within the building to five, which will be occupied by the property owner and four non-rent paying family members.

Comments/Conclusion: The property was withdrawn from the rental market in February 2000. The applicant has obtained a building permit (13CBP0306) to remodel and combine eight small units into five dwelling units. The permit is still valid and the work is on-going. After completion of the work, five units will be occupied by the

property owner and four non-rent paying family members.

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 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. 11OC-022 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. One of the five units will be owner-occupied and the other four units will be occupied by family members who do not have an ownership interest in the property and who do not pay rent. 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).

Determination by: Amanda Schachter Date: 8/26/14
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

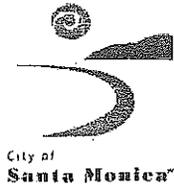
Date

Print name here

Drivers License Number
Santa Monica, California

f:\cityplanning\share\zone\oc\2011\11oc-022 (30 seaside terrace).docx

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)

1106-022

Filing Date: 12/29/2011

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: 30 Seaside Terrace, Santa Monica CA 90401

Land Use Element District: Medium Density Housing Zoning District: R3 Beach Overlay District

Legal Description (Lot, Block, Tract) Carl F. Schader Seaside Terrace, Lot 27

APPLICANT KC Real Estate Investments, Inc.
Name: Kusum Chawla
Address: 3339 Clerendon Rd., Mulholand Estate
Beverly Hills, CA 90210 Phone: 310.246.0206
Email: kusumchawla7@yahoo.com

PROPERTY OWNER KC Real Estate Investments, Inc.
Name: Kusum Chawla
Address: 3339 Clerendon Rd., Mulholand Estate
Beverly Hills, CA 90210 Phone: 310.246.0206
Email: kusumchawla7@yahoo.com

ATTORNEY
Name: _____
Address: _____ Phone: _____
Email: _____

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

A-14

Unit identification

2/26/00

Date of withdrawal

Unit identification

Date of withdrawal

[Signature]
Rent Control Signature

[Signature]
Title

3/19/12
Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units:	5	Number of Units at site prior to exercise of Ellis Act:	8
Number of Studio Units:		1-BR Units:	3
2-BR Units:	2	3-BR Units:	
4-BR Units:		5+BR Units:	
Number of Units at site to remain if intended use is approved:		5	
List unit size(s):	Unit#1: 985 SF / Unit#2 1413 SF / Unit#3 411 SF / Unit#4 509 SF / Unit #5 509 SF		
Number of Parking Spaces:	4		
Existing	4	Standard	Compact 4 Tandem
Proposed	0	Standard	Compact Tandem

Description of all intended on-site uses. Include description of any units to remain vacant: **OWNER OCCUPIED**
 One of the apartment units shall be utilized for personal use, and the rest will be used by relatives who do not have any ownership interest and will not pay rent. No unit shall remain vacant.

If the existing structure(s) will be altered significantly, please specify proposed alterations:
 Internal walls to be altered and added to modify existing layout, and enlarge existing bathrooms and kitchens. **(APPLICABLE TO ALL UNITS)**

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 # 2
- c.) Owner's name Kusum Chawla
- 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.
Neha Chawla	#1 <i>Neha Chawla</i>
Sandeep Nagre	#3
Yogesh Goswami	#4 <i>Yogesh Goswami</i>
Manjari Chawla	#5

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? No
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.

Name _____

Date _____

Title _____

*N/A -
Not being returned to
the rental market. *Feb*
3/19/12*

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:

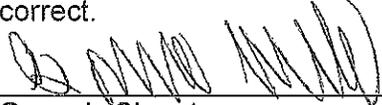
Date of Approval _____ TTM No. or Parcel Map No. _____

Date of approval for the Final Tract Map: _____

PART 5 CERTIFICATION

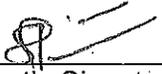
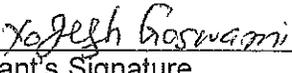
OWNER:

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

 KUSUMI CHAWLA 12-29-2011
Owner's Signature Date
A 5042420 California 2-16-2015
Driver's License Number and State of Issuance 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.

 (KUSUMI CHAWLA) 12/29/11
Occupant's Signature Date
 (NEHA CHAWLA) 12/29/11
Occupant's Signature Date
 (MANJARI CHAWLA) 12/29/11
Occupant's Signature Date
 (SAXIDEEP XAGRE) 12-29-11
Occupant's Signature Date
 (YOGESH GOSWAMI) 12-29-11
Occupant's Signature Date