



Information Item

Date: September 3, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 3007 – 3009 3rd Street (12OC-003)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 3007 – 3009 3rd Street. The subject property is developed with four detached multi-family residential buildings located in the OP2 zoning district.

Discussion

The subject property originally contained eight rental units when six units were withdrawn from the rental market pursuant to the Ellis Act in 2007 and the remaining two units withdrawn in 2008. Between 2008 and 2011 the applicant received building permits and completed construction to reconfigure the building and reduce the total number of units from eight to four as well as to make various required repairs.

According to the Rent Control Board, the applicant returned the resulting four-unit residential property to the rental market in September, 2012, shortly after filing the Occupancy Permit on September 4, 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. The Rent Control Agency notified displaced tenants of their right to rent at the property. However, because the property had completed the approved construction that reduced

the number of units from eight to four, the negotiation process between the owner and former tenants who showed an interest in renting units was lengthy. As a result, the Rent Control Board did not certify that the owner had complied with Government Code Sections 7060.2 and 7060.4 requirements and applicable Rent Control Board regulations until January 31, 2014. The application for Occupancy Permit 12OC-003 has been reviewed by the Rent Control Agency and conforms to the Board requirements.

The determination granting Occupancy Permit 12OC-003 was issued on September 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.

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

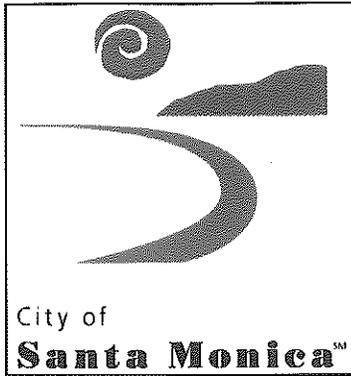
Attachment A: Occupancy Permit Determination

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. 12OC-003
Address:	3007-3009 3 rd Street
Zoning:	Ocean Park Low Density Multiple Residential District (OP2)
General Plan:	Low Density Housing
Proposed Use:	The applicant removed eight units in accordance with the Ellis Act, combined units and wishes to return the resulting 4 units to the rental market.
CEQA Status:	The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.
Applicant:	3007A Third Street, LLC
Rent Control Status:	Six of the eight units were withdrawn from Rent Control on August 7, 2007 and the two remaining units were withdrawn on April 9, 2008. While the units were withdrawn from the rental market, the owner obtained a building permit to combine units and reduce the total number of units to four. The owner then returned the units to the rental market on September 28, 2012. 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 subject property originally contained eight rental units when it was withdrawn from the rental market pursuant to the Ellis Act in 2007 and 2008. Between 2008 and 2011 the applicant received building permits to reconfigure the building and reduce the total number of units from eight to four and to make various required repairs.

According to the Rent Control Board the applicant returned the resulting four-unit residential property to the rental market on September 28, 2012. The applicant filed an Occupancy Permit on September 4, 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. 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 January 31, 2014. County Assessor records indicate the property had eight residential units constructed in about 1908. The eight units were withdrawn from the rental market in 2007 and 2008. The applicant subsequently obtained building permits to combine the eight units into four residential units. On September 28, 2012, the property owner re-registered four units with Rent Control and subsequently re-rented the units.

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 application for Occupancy Permit No. 12OC-003 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 owner has subsequently registered and re-rented 4 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: 9/3/14
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

Driver License Number
Santa Monica, California

ATTACHMENT B:

OCCUPANCY PERMITS 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)
12 OC - 003

Filing Date: 9/4/12
 Fee: \$ 1813.95
 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: 3007 3rd St

Land Use Element District: Low Density Housing Zoning District: OP2

Legal Description (Lot, Block, Tract) Lot 22 Block E SANTA FE TRACT

APPLICANT

Name: MATHEW L. MILLER

Address: 10880 Wilshire Blvd #1050, Los Angeles, CA 90024 Phone: 310-470-8071

Email: MATMILLER@MSN.COM

PROPERTY OWNER

Name: 1. MATHEW L. MILLER

Address: 10880 Wilshire Blvd #1050, Los Angeles CA 90024 Phone: 310-470-8071

Email: MATMILLER@MSN.COM

ATTORNEY

Name: _____

Address: _____ Phone: _____

Email: _____

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

3007A, 3009A
Unit identification

4/9/08
Date of withdrawal

3007, 3007 1/2, 3007B
3009, 3009 1/2, 3009B
Unit identification

8/7/07
Date of withdrawal

[Signature]
Rent Control Signature

Staff Attorney
Title

1/31/14
Date Signed

RELEVANT
PERMIT
HISTORY

PART 3 SITE CHARACTERISTICS

Number of Existing Units: <u>4</u>	Number of Units at site prior to exercise of Ellis Act: <u>8</u>
Number of Studio Units: <u>0</u>	1-BR Units: <u>0</u>
2-BR Units: <u>4</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>4</u>	
List unit size(s): <u>3007 3rd St:</u>	<u>3007A 3rd St:</u>
<u>3009 3rd St:</u>	<u>3009A 3rd St:</u>
Number of Parking Spaces: <u>0</u>	
Existing: <u>0</u>	Standard Compact Tandem
Proposed: <u>0</u>	Standard Compact Tandem

08CBP0010
Combine 3007-3007 1/2
Unit one
and 3009 & 3009 1/2
into one

08CBP0553
Combine 3009A & 3009B
into one

09CBP0528
Combine 3007A & 3007B
into one

Description of all intended on-site uses. Include description of any units to remain vacant:
All 4 residential units to be rented.

If the existing structure(s) will be altered significantly, please specify proposed alterations:
N/A

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 MIA unit # N/A
- 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.
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<u>All units to be returned to rental market -</u>	
<u>Units to be determined</u>	

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 yes, please list owners of undivided interests and their percentage of ownership. A copy of the most recent vesting grant deed must accompany this application.

Name	Unit No.
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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.

Akhayesh Morera
Name

1/31/14
Date

Staff Member
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: _____

Cooperative apartment. Pursuant to the City's authority to regulate subdivisions and not regulated by the Subdivision Map Act authorized by Government Code Section 66411, a project of more than four units in which an undivided interest in land is coupled with the exclusive right of occupancy of any apartment located thereon, whether such right is contained in the form of a written or oral agreement, when such right does not appear on the face of the deed.

PART 5 CERTIFICATION

OWNER:

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

M L Miller MATHEW L. MILLER

Owner's Signature

07/22/2012
Date

N 478 9476
Driver's License Number and State of Issuance

03/15/2016
Expiration Date

OCCUPANT/S

With this signature, I CERTIFY UNDER PENALTY OF PERJURY 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