



## Information Item

**Date: September 18, 2014**

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1116 Chelsea Avenue (13OC-002).

### **Introduction**

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1116 Chelsea Avenue. The subject property is developed with a five-unit residential building located in the R2 zoning district.

### **Discussion**

The five-unit apartment building located at 1116 Chelsea Avenue was originally constructed in 1940. An enclosed 162 sq. ft. sunroom was added in 1996. According to County Health Department records, the property was used as a residential care facility for many years. The property was withdrawn from the rental market on April 11, 2002. According to Rent Control Board records, just prior to withdrawal, two of the units were exempted from rent control as residential care units and were occupied as such until 2009 when permits were pulled for a second story addition. The other three units remained vacant. This work was completed on April 17, 2013. According to Rent Control Board records, the property returned to the rental market on April 25, 2013. One

unit will be owner-occupied and the other four units rented. The applicant intends to use the enclosed sunroom as an on-site office.

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. On January 31, 2014 the Rent Control Board certified that the owner was in compliance, 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 13OC-002 at 1116 Chelsea Avenue conforms to these provisions.

The determination granting Occupancy Permit 13OC-002 was issued on September 18, 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. 13OC-002
Address:	1116 Chelsea Avenue
Zoning:	R2 (Low Density Multiple Residential District)
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to return four units of a five-unit residential building to the rental market and occupy one unit 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:	Olga Strathearn
Rent Control Status:	The five units on the subject property were withdrawn from Rent Control on April 11, 2002. 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 applicant requests to reoccupy five-residential units that units were removed previously from the rental market on April 11, 2002. According to Rent Control Board records, just prior to withdrawal, two of the units were exempted from rent control as residential care units and were occupied as such until 2009 when permits were pulled for a second story addition. This work was completed on April 17, 2013. According to Rent Control Board records, four units of the property were returned to the rental market on April 25, 2013 and one unit was owner occupied..

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. On January 31, 2014 the Rent Control Board certified that the owner was in compliance, 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 13OC-02 at 1116<sup>th</sup> 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 application for Occupancy Permit No. 13OC-002 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. Four on-site units will be rented at market rate subject to Rent Control Law and one unit will be owner-occupied. Additionally, the units 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: 9.18.14  
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

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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)  
130C 002

Filing Date: \_\_\_\_\_  
 Fee: \$ 1,931.80  
 Receipt#: \_\_\_\_\_  
 Received by: C. Towne

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: 1116 CHELSEA AVE.  
 Land Use Element District: LOW DENSITY HOUSING Zoning District: R2 (LOW DENSITY MULTIPLE RESIDENTIAL) DISTRICT  
 Legal Description (Lot, Block, Tract) TRACT # 5239 LOT 15 BLK 3

**APPLICANT**  
 Name: OLGA STRATHEARN  
 Address: 1116 CHELSEA AVE. APT 5 Phone: 310.429.0692  
Santa Monica Ca 90403  
 Email: OLGASTRATHEARN@GMAIL.COM

**PROPERTY OWNER**  
 Name: OLGA STRATHEARN  
 Address: 1116 CHELSEA AVE. APT 5 Phone: 310.429.0692  
Santa Monica Ca 90403  
 Email: OLGASTRATHEARN@GMAIL.COM

**ATTORNEY**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

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

116, A, B, C, D  
Unit Identification

4/11/02  
Date of withdrawal

\_\_\_\_\_  
Unit Identification  
[Signature]  
Rent Control Signature

\_\_\_\_\_  
Date of withdrawal

Staff Attorney  
Title

1/31/14  
Date Signed

**PART 3 SITE CHARACTERISTICS**

Number of Existing Units: <u>5</u>	Number of Units at site prior to exercise of Ellis Act: <u>5</u>
Number of Studio Units: _____	1-BR Units: _____
2-BR Units: <u>5</u>	3-BR Units: _____
4-BR Units: _____	5+BR Units: _____
Number of Units at site to remain if intended use is approved: <u>5 + office (#3)</u>	
List unit size(s):	<u>#1 ~ 800 SF #2 ~ 850 SF #3 - office 150 SF #4 - 850 SF #5 - 1000 SF #6 - 1000 SF</u>
Number of Parking Spaces: <u>4</u>	
Existing <u>4</u>	Standard <u>2</u> Compact <u>2</u> Tandem _____
Proposed <u>0</u>	Standard _____ Compact _____ Tandem _____

Description of all intended on-site uses. Include description of any units to remain vacant:  
RESIDENTIAL RENTAL of 4 units (#1, #2, #4, #6) and Owner occupation of 1 unit (#5) + office (#3)

If the existing structure(s) will be altered significantly, please specify proposed alterations:  
None proposed

## 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 5 unit #
- c.) Owner's name OLGA SIMONEAU
- 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: UNKNOWN at this time

Name

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.
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.

**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.

Hakhamanesh Molozian  
Name

1/31/24  
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. \_\_\_\_\_

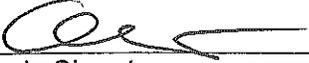
Date of approval for the Final Tract Map: \_\_\_\_\_

**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.

  
\_\_\_\_\_  
Owner's Signature

4/25/2013  
\_\_\_\_\_  
Date

C 1760963  
\_\_\_\_\_  
Driver's License Number and State of Issuance

3/25/2016  
\_\_\_\_\_  
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