



## Information Item

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**Date: October 6, 2014**

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1810 Michigan Avenue (14OC-001).

### **Introduction**

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1810 Michigan Avenue. The subject property is developed with a four-unit residential building located in the R2 zoning district.

### **Discussion**

The four-unit apartment building located at 1810 Michigan Avenue has been withdrawn from the rental market. One unit was withdrawn from Rent Control on April 11, 2013 and has been vacant since that time. The three other units were withdrawn on December 12, 2013; two of those units have been vacant since that date while the other unit has been continuously occupied by a family member who does not pay rent. The applicant requests an Occupancy Permit to reoccupy the remaining three units by family members who do not have an ownership interest in the property and who will not pay rent.

Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved based on the finding that the property or rental units therein is to be used for multifamily rental housing. 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 14OC-001 at 1810 Michigan Avenue conforms to these provisions.

The determination granting Occupancy Permit 14OC-001 was issued on October 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.

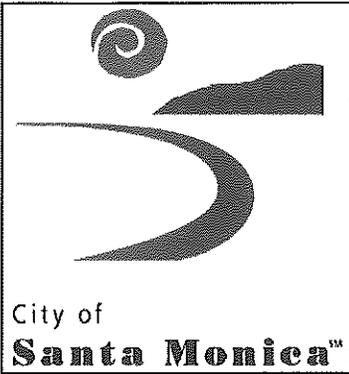
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same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

Prepared by: Dennis Banks, 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. (14OC-001)

Address: 1810 Michigan Avenue  
(4 Units)

Zoning: Low Density Multifamily Residential (R2)

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a four-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: Refugio Velazquez

Rent Control Status: The property had four units withdrawn from the Rent Control Board. One unit was withdrawn from Rent Control on April 11, 2013 and the other three units were withdrawn on December 12, 2013. 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 an Occupancy Permit to reoccupy a four-unit residential building. The four units will be occupied by family members who do not have an ownership interest in the property and do not pay rent.

### Determination

The Planning Director finds 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. 14OC-001 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and 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 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: 10.6.14  
Amanda Schachter, Zoning Administrator

Case Planner: Dennis Banks, Associate Planner

EFFECTIVE DATE OF ACTION: \_\_\_\_\_

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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.

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Signature

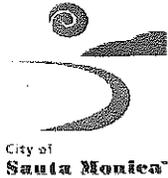
Date

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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)  
140C-001

Filing Date: 1/9/14  
 Fee: \$ \_\_\_\_\_  
 Receipt#: \_\_\_\_\_  
 Received by: IVAN CAM

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: 1806 Michigan Ave. Santa Monica CA 90404 (REFER TO 1810 MICHIGAN AVENUE)

Land Use Element District: \_\_\_\_\_ Zoning District: 22 (LOW DENSITY MULTIPLE RESIDENTIAL)

Legal Description (Lot, Block, Tract) Lot 2, Block 14 of Erkenbrecher syndicate Santa Monica TRACT.

**APPLICANT**

Name: Refugio Velazquez

Address: 1810 Michigan Ave. Santa Monica CA 90404 Phone: (310)450-1470

Email: \_\_\_\_\_

**PROPERTY OWNER**

Name: Refugio and Maria Velazquez

Address: 1810 Michigan Ave. Santa Monica CA 90404 Phone: (310)450-1470

Email: \_\_\_\_\_

**ATTORNEY**

Name: Duane Hall

Address: 7131 W Manchester Ave. Los Angeles CA 90045 Phone: (310)215-8530

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.
Mariela Smith	A
Sandra and Rey Castillo	B
Sandra and Rey Castillo	C
Mayra Velazquez and Omar Garcia	D

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 -  
Property to be occupied  
by family - [Signature]  
1/31/14*

#### 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

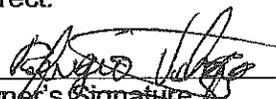
Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:  
Date of Approval \_\_\_\_\_ TTM No. or Parcel Map No. \_\_\_\_\_

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

01/01/2014  
\_\_\_\_\_  
Date

**N9641283**  
\_\_\_\_\_  
Driver's License Number and State of Issuance

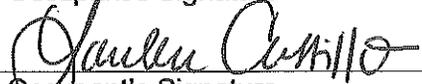
**09/18/2018**  
\_\_\_\_\_  
Expiration Date

**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

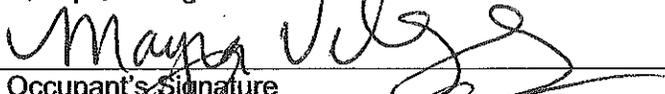
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\_\_\_\_\_  
Occupant's Signature

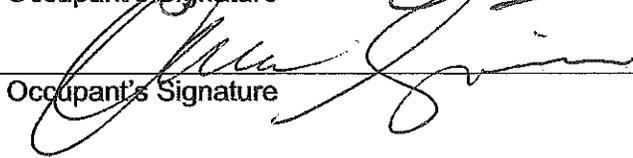
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