



## Information Item

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Date: January 6, 2015

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 818 Lincoln Boulevard (14OC-004).

### Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 818 Lincoln Boulevard. The subject property is developed with a two-unit residential building located in the R2 zoning district. The applicant proposes to occupy the property after the withdrawal of the two units from the rental market, pursuant to the Ellis Act. According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.

### Discussion

The two-unit apartment building located at 818 Lincoln Boulevard was withdrawn from Rent Control on October 27, 2006. Rent Control Board staff verified the property as being vacant after its withdrawal date through an on-site inspection on September 17, 2007. A Tentative Tract Map for a 5-unit condominium project was approved in August

2006 and Architectural Review Board approval was received in September 2007. The project was never built.

The site was vacant from September 2007 until approximately the beginning of 2014. In April of 2014, Rent Control learned that the previous property owners, David and Michelle Socha, were renting both units as short-term rentals (a violation of City law) in order to obtain income from the two existing units while the property was on the market. Rent Control sent a letter to the owners informing them that Rent Control was going to deem the two existing units as having been returned to the rental market and did so on April 9, 2014.

The Sochas sold the property to the current property owners, Mehrnaz and Mehrnoosh Akhavan, shortly thereafter on April 23, 2014. The Akhavans complied with Board regulations and filed a notice of intention to re-rent the units with the Board on June 10, 2014. The Board contacted the previously displaced single tenant and informed him of his right to request an offer to re-rent his unit, but he declined to do so. The property has now been returned to the rental market and has been rented to tenants at market rate since the withdrawal of the property under the Ellis Act.

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-004 at 818 Lincoln Boulevard conforms to the provisions of the Government Code and local ordinance.

The determination granting Occupancy Permit 14OC-004 was issued on January 6, 2015. 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.

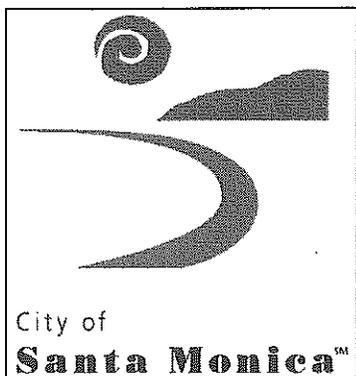
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same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

Prepared by: Ivan Lai, Assistant Planner

Attachments: A. Occupancy Permit Determination  
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. 14OC-004

Address: 818 Lincoln Boulevard

Zoning: Low Density Multiple Family Residential(R2) District

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy one of the two residential units 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: Mehrnoosh Akhavan

Rent Control Status: The two units on the subject property were withdrawn from Rent Control on October 27, 2006. 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 two-unit apartment building located at 818 Lincoln Boulevard was withdrawn from Rent Control on October 27, 2006. Rent Control Board staff verified the property as being vacant after its withdrawal date through an on-site inspection on September 17, 2007. A Tentative Tract Map for a 5-unit condominium project was approved in August 2006 and Architectural Review Board approval was received in September 2007. The project was never built.

The site was vacant from September 2007 until approximately the beginning of 2014. In April of 2014, Rent Control learned that the previous property owners, David and Michelle Socha, were renting both units as short-term rentals (a violation of City law) in order to obtain income from the two existing units while the property was on the market. Rent Control sent a letter to the owners informing them that Rent Control was going to deem the

two existing units as having been returned to the rental market and did so on April 9, 2014.

The Sochas sold the property to the current property owners, Mehrnaz and Mehrnoosh Akhavan, shortly thereafter on April 23, 2014. The Akhavans complied with Board regulations and filed a notice of intention to re-rent the units with the Board on June 10, 2014. The Board contacted the previously displaced single tenant and informed him of his right to request an offer to re-rent his unit, but he declined to do so. The property has now been returned to the rental market and has been rented to tenants at market rate since the withdrawal of the property under the Ellis Act.

### Determination

The Planning Director finds 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. 14OC-004 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. 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:  Date: 1.6.15  
Amanda Schachter, Zoning Administrator

Case Planner: Ivan Lai, Assistant Planner

EFFECTIVE DATE OF ACTION: January xx, 2015

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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

Driver 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)

LAOC-004

Filing Date: 6/11/14

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: 818 Lincoln

Land Use Element District: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Legal Description (Lot, Block, Tract) \_\_\_\_\_

**APPLICANT**

Name: MEHRNOOSH AKHAVAN LA CA 90049

Address: 1301 Linda Flora Dr

Phone: 818-378-3042

Email: drakavan@sbglobal.net

cell phone

**PROPERTY OWNER**

Name: MEHRNOOSH AKHAVAN / MEHRNAZ AKHAVAN LA CA 90049

Address: 1301 Linda Flora Dr

Phone: 818-378-3042

Email: drakavan@sbglobal.net

cell phone

**ATTORNEY**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

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 Both 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.

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.

Hakhamanesh Morkraic  
Name

Staff Attorney  
Title

7/23/14  
Date

**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.

*Mehnoosh Akhavan*

Owner's Signature

6/10/14

Date

A7589291

Driver's License Number and State of Issuance

3/11/18

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