



Information Item

Date: January 21, 2015

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1021 Grant Street (14OC-002).

Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 1021 Grant Street. The subject property is developed with a two-unit residential building located in the R2 (Low Density Residential) 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 According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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 property owner filed a Notice of Intention to Withdraw Accommodations from Rent or Lease on August 9, 2007. Under Ellis, the units are deemed withdrawn four months after the date the notice is filed unless tenants from a unit are entitled to an extension of their tenancy because a member of the household is disabled or elderly. There were no such tenants on-site. A Tentative Parcel Map was approved for a 3-unit condominium

project in December 2007 and Architectural Review Board approval was received in June 2010. The project was never built. The site was inspected six times in October and November of 2010 as part of the Ellis Task Force and was determined to be vacant since 2007.

In April 2014, the Code Enforcement Division determined that the property owner had moved back into the property without benefit of an Occupancy Permit. As a result, the property owner was sent a letter by the Code Enforcement Division notifying the owner that an Occupancy Permit must be filed with the City Planning Division in order to reoccupy one of the existing units. The owner formally filed for an Occupancy Permit to legally occupy the subject property on May 19, 2014.

According to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved by the Planning Director based on the finding that no more than one unit on the property will be occupied by owners of the property. In such situations, 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. According to the occupancy permit application, the property owner is requesting to reside in the front unit (Unit #1021) and utilize the rear unit (Unit #1021 ½) as an office and for entertaining with no ownership or rental interest for the rear unit as defined in Section 1801(f) of the City Charter. 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-002 at 1021 Grant Street conforms to the provisions of the Government Code and local ordinance.

The determination granting Occupancy Permit 14OC-002 was issued on January 21, 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.

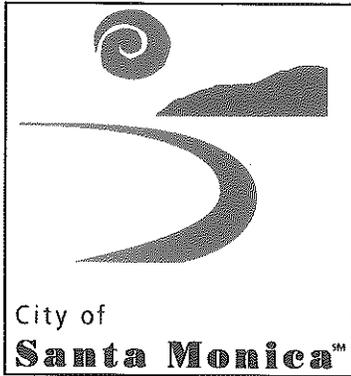
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same 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-002

Address: 1021 Grant Street (2 Units)

Zoning: Low Density Multiple Family Residential (R2) District

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reside in the front unit of two residential units in accordance with the Ellis Act and utilize the second rear unit as an office and for entertainment purposes.

CEQA Status: The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.

Applicant: Ini Kamoze

Rent Control Status: The two units on the subject property were withdrawn from Rent Control on August 9, 2007. 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 contains two (2) rental units that were withdrawn from the rental market on August 9, 2007. A Tentative Parcel Map was approved for a 3-unit condominium project in December 2007 and Architectural Review Board approval was received in June 2010. The project was never built.

In April 2014, the Code Enforcement Division determined that the property owner had moved back into the property without benefit of an Occupancy Permit and notified the owner of the requirement to file the Occupancy Permit. The applicant has filed an Occupancy Permit application and is requesting to reside in the front unit (Unit #1021) and utilize the rear unit (Unit#1021 ½) as an office and for entertaining.

Determination

The Planning Director finds that no more than one unit on the property will be occupied by the owner of the property. The second unit will be owner-occupied as an office and entertainment area. 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-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. The two on-site units will be owner-occupied, one as a dwelling unit and the other as an office and entertainment area. 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: 1-21-15
Amanda Schachter, Zoning Administrator

Case Planner: Ivan Lai, Assistant 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 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) 1400002
[Signature]

Filing Date: May 15, 2014
 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:	<u>1021 Grant St</u>
Land Use Element District:	_____ Zoning District: _____
Legal Description (Lot, Block, Tract)	_____
APPLICANT Name:	<u>iNi Kamoze</u>
Address:	<u>1021 Grant St</u> Phone: <u>323-938-6420</u>
Email:	<u>info@grandmelingroup.com</u>
PROPERTY OWNER Name:	<u>iNi Kamoze</u>
Address:	<u>1021 Grant St</u> Phone: <u>323-938-6420</u>
Email:	<u>info@grandmelingroup.com</u>
ATTORNEY Name:	<u>n/a</u>
Address:	_____ Phone: _____
Email:	_____

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

1021, 1021 1/2 8/9/07
 Unit identification Date of withdrawal

 _____ _____
 Unit identification Date of withdrawal

[Signature] Staff Attorney 5/23/14
 Rent Control Signature Title Date Signed

PART 3 SITE CHARACTERISTICS

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

Description of all intended on-site uses. Include description of any units to remain vacant:
Owner will live in front unit.
Back unit will be office and entertainment area.

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 Front unit #
- c.) Owner's name INI Kamote
- 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.
<u>N/A</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? 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 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.

Name _____ Date N/A
 _____ Staff Attorney
 Title _____ 5/23/14

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

5/14/14

Date

B7295820

Driver's License Number and State of Issuance

10-7-14

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

SANTA MONICA RENT CONTROL BOARD MEMO

Date: May 23, 2014
TO: Ivan Lai, Associate Planner
FROM: Hakhamanesh Mortezaie, Staff Attorney
RE: 1021 Grant Street
Occupancy Permit Application 14OC-002

Attached is the original application with Board sign-off certifying compliance with state and Board requirements for withdrawal of units in the subject property from the residential rental market.

1021 Grant Street contains two rental units. It was withdrawn from the rental market on August 9, 2007. The owner states in his application that he continues to keep the property off the rental market; he occupies the front unit and uses the back unit as an office and entertainment area.

cc: Ellis File
Site File