

# Information Item

Date: November 16, 2010

To: Mayor and City Council  
From: Eileen Fogarty, Director, Planning & Community Development  
Subject: Transmittal of Occupancy Permit Determination for Property at 1128 Cedar Street (10OC-003)

## Introduction & Discussion

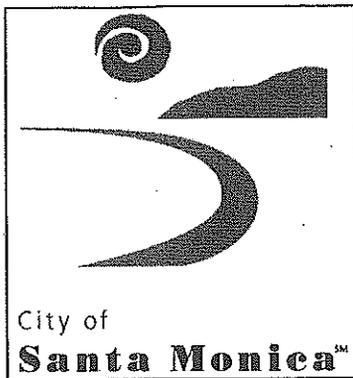
Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1128 Cedar Street. The Rent Control Board confirmed that both units were withdrawn from the market on August 11, 2010. Pursuant to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained. Pursuant to SMMC Section 4.32.130(c)(1) an occupancy permit for residential occupancy shall be approved if 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 10OC-003 for 1128 Cedar Street conforms to these provisions.

The applicant proposes to convert the duplex into a single-family dwelling and use it only as an owner occupied dwelling. The determination granting the Occupancy Permit (10OC-003) was issued on November 16, 2010. Pursuant to SMMC Section 4.32.130 (d) the Planning Director shall make a written report to the Planning Commission and the City Council within 5 days of approving an occupancy permit.

According to SMMC Section 4.32.130(d), 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



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

**OCCUPANCY  
PERMIT DETERMINATION**

Case Number: Occupancy Permit, OC 10-003

Address: 1128 Cedar Street

Zoning: R1 (Single Family Residential District)

Proposed Use: Convert an existing duplex into a single-family dwelling unit.

CEQA Status: Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of permitting the rental of an existing multi-family dwelling.

Applicant: Joseph E. Gilliam

Rent Control Status: Property withdrawn from Rent Control on August 18, 2010.  
Property to be used as owner occupied single family residence.

**GENERAL PLAN & MUNICIPAL CODE CONFORMANCE**

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Single-Family Housing	Single-family Residential	Conversion of a duplex into a single-family dwelling.

**Comments/Conclusion:** Proposed is the conversion of a duplex into a single-family dwelling. The single-family dwelling will be occupied by the property owner.

This application for an Occupancy Permit (10OC-003) is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and conditions:

**FINDINGS:**

1. *The proposed use is in compliance Santa Monica Municipal Code (SMMC) Section 4.32.130(c)(1) and any such City Ordinances that applies in that no more than one unit on the property will be occupied by the owner.*
2. *The proposed occupancy conforms to the Land Use Element of the General Plan in that the multi-family residential use will be altered to become a single-family residence which is a permitted use in the Single Family Housing Land Use Designation in which the property is located.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing residential use will not be altered.*
4. *The Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act was completed on August 11, 2010. Owner occupancy of 1 withdrawn unit is consistent with SMMC Section 4.32.130.*

**CONDITIONS:**

1. Within ten (10) days of transmittal of City Planning Division approval, project applicant shall sign and return a copy of the Occupancy Permit determination prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such 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: 11.16.2010  
Amanda Schachter  
Planning Manager

Case Planner: Dennis Banks, 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

\_\_\_\_\_  
Drivers License Number  
Santa Monica, California

