

Information Item

Date: November 12, 2010

To: Mayor and City Council
From: Eileen Fogarty, Director, Planning & Community Development
Subject: Transmittal of Occupancy Permit Determination for Property at 838 2nd Street (09OC-008)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 838 2nd Street. The Rent Control Board confirmed that five units were withdrawn from the market on September 22, 1990. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 will be occupied by the property owner and the remaining rental units are to be used for residential use without payment of rent as defined in Section 1801(f) of the City Charter. The application for Occupancy Permit (09OC-008) for 838 2nd Street conforms to these provisions.

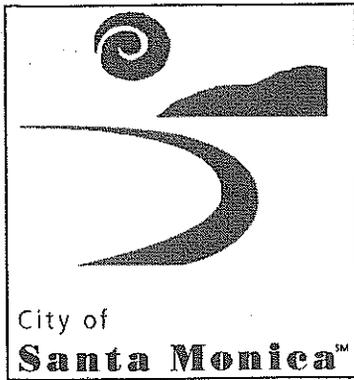
The applicant proposes to occupy one unit and allow one other unit to be occupied by a non-rent paying family member who has no ownership interest in the property. The determination granting the Occupancy Permit (09OC-008) was issued on November 12,

2010. Pursuant to SMMC Section 4.32.130 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, 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
Amanda Schachter, Planning Manager
Planning and Community Development Department

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number: Occupancy Permit, OC 09-008

Address: 838 2nd Street

Zoning: R3 (Medium Density Multiple Family District)

Proposed Use: Re-Occupancy of a single family unit (front unit) by Property Owner and re-occupancy of one unit of a three unit rear building by a family member.

CEQA Status: Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of the re-occupancy of a single family dwelling and one additional unit.

Applicant: Clifford Egbert, Property Owner

Rent Control Status: The subject property contains a single family dwelling and a 3-unit building. The Rent Control Board has confirmed that the subject residences were withdrawn from Rent Control on September 22, 1990.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use: Single Family Dwellings	Medium Density Housing	Medium Density Multiple Family District	Occupancy of a Single Family dwelling by property owner and one unit in the 3-unit rear structure by a family member.

Parking		1 space per unit	4 garage spaces in rear off alley
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Comments/Conclusion: Proposed is the owner occupancy of a single family unit (front unit) and one unit of a 3-unit building located in the rear of property withdrawn from Rent Control on September 22, 1990. The single family residence (front unit) will be occupied by the property owner and the unit in the rear will be occupied by a relative. The re-occupancy complies with all applicable Rent Control laws. Rent Control Board records show that 5-units were withdrawn from the rental market. In speaking with the property owner and reviewing County Assessor data and building permit records, the front dwelling was used at one time as a boarding house and contained 4-rental rooms, while the rear structure was constructed in 1940 as a separate 3-unit structure, for a total of seven units on the property. However, the five units withdrawn from the rental market in 1990 represent the number of units occupied in 1979 when the property was registered with Rent Control.

This application for an Occupancy Permit (09OC-008) 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 property owner and the other unit is to be occupied by a family member who has no ownership interest and will not pay rent.*
2. *The proposed occupancy conforms to the Land Use Element of the General Plan in that the multi-family residential use will not be altered.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing residences on the property 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 September 22, 1990.*

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: *Amund Adiac* Date: 11-12-10
Planning Manager
Acting 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

Drivers License Number
Santa Monica, California

