

# Information Item

Date: December 15, 2010

To: Mayor and City Council  
From: Eileen Fogarty, Director, Planning & Community Development  
Subject: Transmittal of Occupancy Permit Determination for Property at 2140 Stewart Street (10OC-006)

## Introduction & Discussion

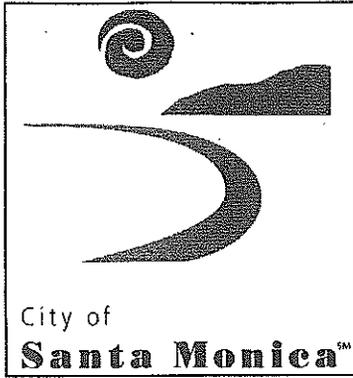
Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2140 Stewart Street. The Rent Control Board confirmed that three units were withdrawn from the market on October 18, 2010. Pursuant to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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-006 for 2140 Stewart Street conforms to these provisions.

The applicant proposes to convert a three-unit rental into a duplex and the owner will occupy one unit as a dwelling. The other unit will be used when family or friends come to visit the owner and no rent will be charged/collected for use of the unit. The determination granting the Occupancy Permit (10OC-006) was issued on December 15, 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 (10OC-006)
Address:	2140 Stewart Street
Zoning:	C4 (Highway Commercial District)
Proposed Use:	Convert three unit rental into owner occupied duplex.
CEQA Status:	Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of the operation, repair, and maintenance of an existing private facility involving negligible or no expansion of use.
Applicant:	Michelle Cardiel
Rent Control Status:	Property withdrawn from Rent Control on October 18, 2010.

### GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Mixed Use Boulevard Low	Highway Commercial	Convert three unit property into owner occupied duplex.

**Comments/Conclusion:** The applicant proposes to convert a three-unit rental into a duplex. The owner will occupy one unit. The other unit will be used when family or friends come to visit the owner but no rent will be charged/collected for use of the 2<sup>nd</sup>

dwelling unit.

This application for an Occupancy Permit (10OC-006) 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 not be altered.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing multi-family 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 October 18, 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: 12-15-2010  
Amanda Schachter  
Acting 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