



## Information Item

Date: April 6, 2011

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 2016 Oak Street (11OC-002)

### Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2016 Oak Street. The four units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on November 9, 2007. 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 11OC-002 for 2016 Oak Street conforms to these provisions.

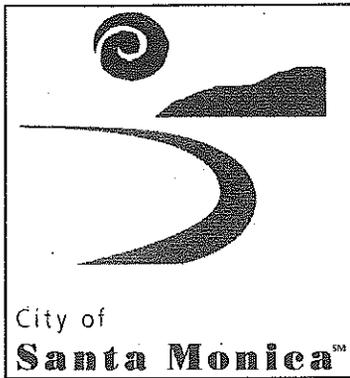
The applicant proposes to occupy one unit with non-rent paying relatives occupying the remaining three units. The determination granting Occupancy Permit 11OC-002 was issued on April 6, 2011. Pursuant to SMMC Section 4.32.130(c)(4) the Planning Director

shall make a written report to the Planning Commission and the City Council within five days of approving an occupancy permit.

According to SMMC Section 4.32.130(c)(4), 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: Lily Yegazu, 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, 11OC-002
Address:	2016 Oak Street
Zoning:	R2 (Low Density Multiple Residential) District
Proposed Use:	Allow occupancy of 4 residential units following withdrawal pursuant to the Ellis Act.
CEQA Status:	The project is statutorily pursuant to Section 15268 of the California Environmental Quality Act (Ministerial Projects) in that the project consists of permitting residential occupancy of an existing multi-family dwelling.
Applicant:	Costa Bargeliotos
Rent Control Status:	The property contains four units. The Rent Control Board has confirmed that the subject four units were withdrawn from Rent Control via the Ellis Act on November 9, 2007. The Rent Control Board approved occupancy of these units without rent on March 17, 2011.

**GENERAL PLAN & MUNICIPAL CODE CONFORMANCE**

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Multi-family residential	Multi-family residential	To allow occupancy of four (4) units withdrawn from Rent Control via the Ellis Act.

**Comments/Conclusion:** The application complies with Santa Monica Municipal Code Section 4.32.130(c)(1) pertaining to the standards for occupancy of residential units following withdrawal pursuant to the Ellis Act. No rent shall be charged for the occupied units or any remaining vacant units unless the applicant reinstates the residential units under Rent Control.

This application for an Occupancy Permit (11OC-002) is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and conditions:

**FINDING:**

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. Additionally, occupants of the remaining units do not have any ownership interest in the property and do not pay rent as defined in Section 1801(f) of the City Charter.*

**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: 04.06.2011  
Amanda Schachter  
Zoning Administrator

Case Planner: Lily Yegazu, 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

Driver's License Number  
Santa Monica, California