

Information Item

Date: May 27, 2011

To: Mayor and City Council

From: Eileen Fogarty, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1244-46 25th Street (11OC-001).

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1244-46 25th Street. The four units at this property were withdrawn from the rental market pursuant to the Ellis Act effective as of January 8, 2010. Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved based on the finding that 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-001 for 1244-46 25th Street conforms to these provisions.

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

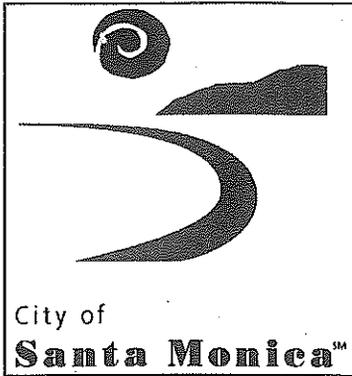
regulations promulgated by the Rent Control Board. The application for Occupancy Permit 11OC-001 conforms to these provisions.

The determination granting Occupancy Permit 11OC-001 was issued on May 27, 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 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: Dennis Banks, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. OC 11-001

Address: 1244-46 25th Street (4 units)

Zoning: Low Density Multiple Residential District (R2)

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a four-unit rental apartment building in accordance with the Ellis Act.

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

Applicant: Mitra Malek

Rent Control Status: The property was completely withdrawn from Rent Control on January 8, 2010. Three of the four units were initially withdrawn from Rent Control on May 8, 2009. 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 applicant proposed to reoccupy a four-unit rental apartment building. One of the units will be occupied by the property owner while, the other units will be occupied by other family members. The owner of the building will not charge rent to the family members who occupy the other units in the building.

Determination

The Planning Director finds that according to SMMC 4.32.130(c)(1) *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 No. OC 11-001 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and 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. One of the four units will be owner-occupied and the other three units will be occupied by family members who do not have an ownership interest in the property and who do not pay rent. 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:  Date: 05.27.11
Amanda Schachter, Zoning Administrator

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