



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 1324 16th Street (11OC-003)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1324 16th Street. The four units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on February 8, 2000. Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved based on finding 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.

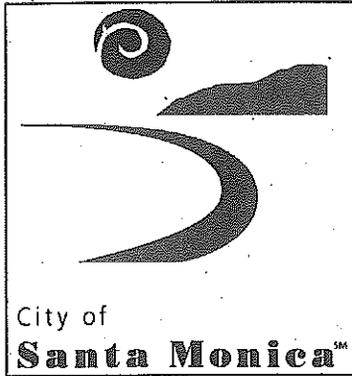
The Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit No. 11OC-003 conforms to these provisions.

The determination granting the Occupancy Permit (11OC-003) 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: Russell Bunim, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number: Occupancy Permit No. 110C-003

Address: 1324 16th Street (1324, 1324 ½, 1326, 1326 ½)
(Four Units)

Zoning: Commercial Professional (CP3)

General Plan: Neighborhood Commercial

Proposed Use: The applicant proposes to reoccupy a four-unit residential 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: Richard Sweezy

Rent Control Status: The property was withdrawn from Rent Control pursuant to the Ellis Act effective on February 8, 2000. 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 requests to reoccupy one unit within a four-unit residential building. The unit will be owner-occupied and the other three units will remain vacant.

Determination

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 No. 11OC-003 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 remain vacant. None of the units will be rented out. There are no restrictions on the number of units that can be 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: <u>Amanda Schachter</u> Date: <u>05.27.11</u> Amanda Schachter, Zoning Administrator
Case Planner: <u>Russell Bunim, Associate Planner</u>

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