

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 852 11th Street (11OC-006).

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 852 11th Street. The five units at this property were withdrawn from the rental market pursuant to the Ellis Act effective as of April 2, 2011. 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-006 for 852 11th Street conforms to these provisions.

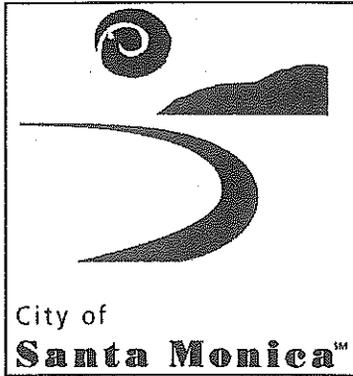
The Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit 11OC-006 conforms to these provisions.

The determination granting Occupancy Permit 11OC-006 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: Steve Mizokami, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 11OC-006

Address: 852 11th Street (5 Units)

Zoning: R2 (Low-Density Multi-Family District)

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy five (5) residential units on the property 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: Chung F. Wong

Rent Control Status: The units on the subject property were withdrawn from the rental market pursuant to the Ellis Act as of July 31, 2010 for the front unit, and units A and B, and on April 2, 2011 for units C and D. 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 the five total units on the subject property that have been withdrawn from Rent Control pursuant to the Ellis Act. One of the five units will be owner-occupied and the other four units will be occupied by persons who do not have an ownership interest in the property and who do not pay rent.

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-006 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 five units withdrawn from Rent Control will be owner-occupied and the other four units will be occupied by persons 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 permit revocation, pursuant to Section 9.04.20.28.040 (SMMC).

Determination by:  Date: 05-27-11
Amanda Schachter, Zoning Administrator

Case Planner: Steve Mizokami, 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