

---

# Information Item

---

Date: August 16, 2011

To: Mayor and City Council

From: David Martin, Acting Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 704 15<sup>th</sup> Street (11OC-007).

## Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 704 15<sup>th</sup> Street. The single family home was withdrawn from the rental market pursuant to the Ellis Act effective as of August 3, 2007. Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved based on the finding that no more than one unit on the property will be occupied by owners of the property.

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-007 for 704 15<sup>th</sup> Street conforms to these provisions.

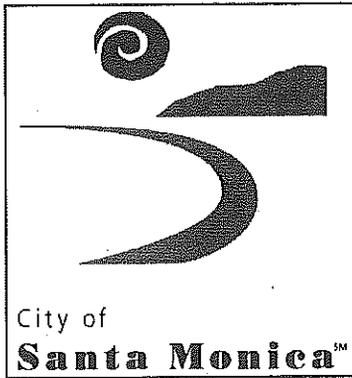
The determination granting Occupancy Permit 11OC-007 was issued on August 16, 2011. Pursuant to SMMC Section 4.32.130 (c)(4) the Planning Director shall make a

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: Gina Szilak, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 11OC-007

Address: 704 15<sup>th</sup> Street

Zoning: R1 (Single Family Residential District)

General Plan: Single Family Housing

Proposed Use: The applicant proposes to owner occupy a single family residence and has filed an occupancy permit in accordance with the removal of the unit from Rent Control via the Ellis Act.

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

Applicant: Elizabeth Kopple c/o SMH Real Estate Trust

Rent Control Status: The single family residence was removed from the rental market pursuant to the Ellis Act as of August 3, 2007. 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 reoccupancy of a single family residence that has been removed from Rent Control pursuant to the Ellis Act. The 3-bedroom 2-bath unit will be owner-occupied.

**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-007 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 unit(s) 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. The single family residence will be owner-occupied. If the residence is subsequently rented out, it 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>8.16.11</u> Amanda Schachter, Zoning Administrator
Case Planner: <u>Gina Szilak, 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