



Information Item

Date: August 2, 2012

To: Mayor and City Council

From: David Martin, Director, Planning & Community Development.

Subject: Transmittal of Occupancy Permit Determination for Property at 1871 9th Street. (11OC-010)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1871 9th Street. The Rent Control Board has confirmed that Unit #3 was withdrawn from the rental market on February 11, 1995. The remaining five units of the six-unit building were exempt from the provisions of the Santa Monica Rent Control Law (Santa Monica Charter Article XVIII). Pursuant to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained. 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-010 for 1871 9th Street conforms to these provisions.

The applicant proposes to continue to use the residential facility to house clients participating in CLARE's drug and alcohol rehabilitation services.

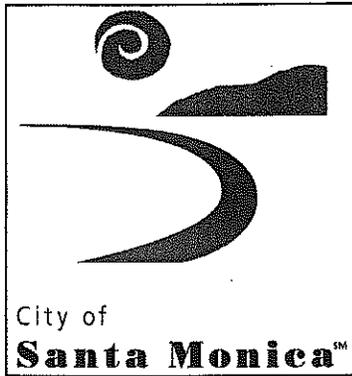
The determination granting the Occupancy Permit (11OC-010) was issued August 2, 2012. Pursuant to SMMC Section 4.32.130 (d) the Planning Director shall make a

written report to the Planning Commission and the City Council within 5 days of approving an occupancy permit.

According to SMMC Section 4.32.130(d), 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. 110C-010
Address:	1871 9 th Street
Zoning:	R2 Low Density Multifamily
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to reoccupy Unit #3 which was the only unit removed from the rental market via the Ellis Act of the six unit property. The six-unit residential building is currently used as CLARE's drug and alcohol residential treatment center.
CEQA Status:	The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.
Applicant:	CLARE Foundation, Inc.
Rent Control Status:	The property had one unit (Unit #3) withdrawn from Rent Control on February 11, 1995. The remaining five units were exempt from the provisions of the Rent Control Law (Santa Monica Charter Article XVIII). 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 CLARE Foundation is a non-profit organization that is using the property as a residence facility for drug and alcohol rehabilitation services and has owned the property since February 1978. The Rent Control Department has indicated that five of the six rental units were exempt from Rent Control and one unit, Unit #3, was withdrawn from the rental market pursuant to the Ellis Act on February 11, 1995. The applicant requests to reoccupy Unit #3, which along with the remaining units, will continue to serve CLARE's clients in a residential setting.

Determination

The Planning Director finds that the CLARE Foundation is a non-profit organization that is using the property as a drug and alcohol residential treatment facility. CLARE Foundation, Inc., the property owner, will not occupy any of the units. 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-010 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. Unit #3 of the six-unit building will be occupied by clients of CLARE residential drug and alcohol treatment facility. These clients do not have an ownership interest in the property and do not pay rent.
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: Amanda Schachter Date: 8.2.12
Amanda Schachter, Zoning Administrator

Case Planner: Gina Szilak, 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