



Information Item

Date: August 13, 2012

To: Mayor and City Council

From: David Martin, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 126 Fraser Avenue. (11OC-013)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 126 Fraser Avenue. The Rent Control Board confirmed that two units were withdrawn from the rental market on December 15, 1990. Pursuant to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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-013 for 126 Fraser conforms to these provisions.

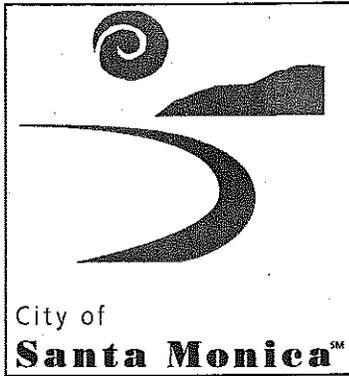
The applicant proposes to use the 1,200 square foot dwelling as a single family residence for owner occupancy in accordance with the Ellis Act. The property was withdrawn from the rental market as a two unit property, however the applicant states the property reverted to a single family dwelling prior to the current owners purchase in 2005.

The determination granting the Occupancy Permit (11OC-013) was issued August 13, 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. 11OC-013
Address:	126 Fraser
Zoning:	Low Density Duplex /R2R
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to reoccupy a single family residence 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:	Kimberly Bieber
Rent Control Status:	The property was withdrawn from Rent Control on December 15, 1990. 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 1,200 square foot single family residence. The property was withdrawn from the rental market as a two unit property on December 15, 1990. The application states that the property was reverted to a single family dwelling prior to the current owner's purchase in 2005. The dwelling 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. If the owner chooses not to reside in the unit, the property may be occupied by others, provided such occupant(s) 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-013 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. The single family dwelling will be owner-occupied .
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: 8.13.12
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

