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# Information Item

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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 1247 19<sup>th</sup> Street (12OC-001)

## Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1247 19<sup>th</sup> Street. The Rent Control Board confirmed that four units were withdrawn from the market on December 3, 2002. Pursuant to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 12OC-001 for 1247 19<sup>th</sup> Street conforms to these provisions.

The applicant proposes to rent units A and B of the 4-unit building. These units must comply with Rent Control regulations. Units C and D will be occupied by the owner's family members who do not have an ownership interest in the property and will not pay rent. The determination granting the Occupancy Permit (12OC-001) was issued on 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: Dennis Banks, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 12-001

Address: 1247 19<sup>th</sup> Street (4 units)

Zoning: Low Density Multifamily Residential (R2)

General Plan: Low Density Residential

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: Lawrence Mollin

Rent Control Status: The property was withdrawn from Rent Control on December 3, 2002. 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 a four-unit residential building. Two of the units will be rented to tenants. The other two non-rental units will be occupied by the owner's family members who do not have an ownership interest in the property and 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. OC 12-001 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. Two of the four units will be rented to tenants and the other two units will be occupied by family members 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 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: Dennis Banks, 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

