



Information Item

Date: July 3, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 851 20th Street (12OC-005).

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 851 20th Street. The subject property was registered with Rent Control as a duplex. Sometime before 1988 when the applicant purchased the property, it was converted to a single family dwelling without proper permits. The property owner wishes to obtain proper permits to legally combine the 2 units and occupy the resulting single family dwelling located in the R2 zoning district.

Discussion

In 1986, a building permit was issued for improvements to the duplex with a notation that the units could not be combined. However, sometime prior to November 1988, the existing duplex was converted to a single family residence without City permits. On November, 17, 1988 the Rent Control Board approved an owner-occupied exemption for the property owner to occupy both units as a single family residence. The property owner has occupied the property ever since.

In September 1989, an Administrative Approval was approved for the construction of a new 2-unit apartment building which was never built. In August 2009, a parcel map was approved for a 2-unit condominium project which was also never built.

In 2011, the property owner filed for a building permit for improvements to the residence. At that time, it was determined that no permits had ever been issued for the conversion of the duplex to a single family residence. On September 19, 2012 an Occupancy Permit was filed to legally occupy the residence to a single unit.

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 a 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 Rent Control Board 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 on January 17, 2014. The application for Occupancy Permit 12OC-005 conforms to these provisions.

The determination granting Occupancy Permit 12OC-005 was issued on July 3, 2014. 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.

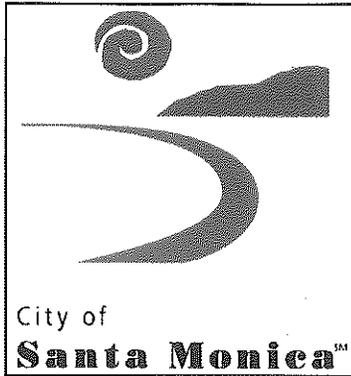
Prepared by: Gina Szilak, Associate Planner

Attachment A: Occupancy Permit Determination

Attachment B: Occupancy Permit Application

cc: Planning Commission

ATTACHMENT A
OCCUPANCY PERMIT DETERMINATION



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 12OC-005

Address: 851 20th Street

Zoning: Low Density Multiple Residential (R2)

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a duplex, in accordance with the Ellis Act, as a single family dwelling.

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

Applicant: Michel Rone

Rent Control Status: Two units were withdrawn from Rent Control on September 14, 2012. 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 if one unit is occupied.

Comments/Conclusion: In 1986, a building permit was issued for improvements to the duplex with a notation that the units could not be combined. However, sometime prior to November 1988, the existing duplex was converted to a single family residence without City permits. On November, 17, 1988 the Rent Control Board approved an owner-occupied exemption for the property owner to occupy both units as a single family residence. In September 1989, an Administrative Approval was approved for the construction of a new 2-unit apartment building which was never built. In August 2009, a parcel map was approved for a 2-unit condominium project which was also never built.

In 2011, the property owner filed for a building permit for improvements to the residence. At that time, it was determined that no permits had ever been issued for the conversion of the duplex to a single family residence. On September 19, 2012 an Occupancy Permit was filed to legally occupy the residence to a single unit.

Determination

The Planning Director finds that the property or rental units therein is to be used for multifamily rental housing, and 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 No. 12OC-005 is:

- Denied
- Subject to separate administrative or discretionary review.
- Granted with the following 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 property owner will obtain building permits to legally combine the duplex registered with Rent Control into a single family dwelling and owner-occupy the dwelling. If the owner intends to subsequently rent the property, the property owner 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: 7.3.14
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.

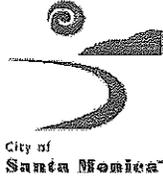
Signature

Date

Print name here

Driver License Number
Santa Monica, California

ATTACHMENT B
OCCUPANCY PERMIT APPLICATION



CITY OF SANTA MONICA – CITY PLANNING DIVISION
**OCCUPANCY PERMIT APPLICATION
 FOR OCCUPANCY OF PROPERTY FOLLOWING
 WITHDRAWAL PURSUANT TO THE ELLIS ACT**

This part to be completed by City staff

Application Number(s)
1200-005

Filing Date: 9/19/12
 Fee: \$ 1813.95
 Receipt#: CM+1007
 Received by: [Signature]

Once a property has been withdrawn from the rental market under the procedures set forth in Government Code Sections 7060 et seq., there are specific requirements that must be met in order for the property to be subsequently occupied. The Planning Division is responsible for reviewing and acting upon occupancy applications. Any interested party can appeal the Planning Division's decision to the Planning Commission, and then to the City Council, in accordance with Subchapter 9.04.20 Part 9.04.20.24 of the Santa Monica Zoning Ordinance. Appeal forms can be obtained at the City Planning counter.

****REQUIRED FILING MATERIAL: PROVIDE A COPY OF THE GRANT DEED FOR SUBJECT PROPERTY****

PART 1 GENERAL INFORMATION

PROPERTY ADDRESS: 851 20th St.

Land Use Element District: LOW DENSITY HOUSING Zoning District: R2

Legal Description (Lot, Block, Tract) TRACT #1351 SW 90 FT. OF LOT 23 BLK 11

APPLICANT Name: Michel Roné SANTA MONICA, CA 90403

Address: 851 20th St. Phone: 310/829-2112

Email: UScredit@verizon.net

PROPERTY OWNER Name: Same above

Address: ✓ Phone: _____

Email: ✓

ATTORNEY Name: _____

Address: _____ Phone: _____

Email: _____

PART 4 INTENDED OCCUPANCY CHARACTERISTICS

To be filled in if this application is for residential occupancy

Applicants who wish to use the property for residential purposes must complete the following:

1. a.) Will a unit be occupied by the owner? Yes No
- b.) Which unit will be so occupied unit # Single Family Residence
- c.) Owner's name Michel Rone
- d.) Will any of the other units be occupied? Yes No N/A
- e.) List the name(s) of the person(s) other than owner who will be occupying the units and which units will be so occupied: N/A

Name	Unit No.

No more than one unit may be occupied by an owner of the property. The owner can have other persons living in the other units, provided those persons do not have any ownership interest in the property and do not pay rent.

2. Will the property be returned to use as multi-family rental housing? not at this time
If yes, then the Rent Control Certification below must be completed.
3. Will the property be used as a Cooperative Apartment? No
If Cooperative is proposed for the property, Subdivision Map and Conditional Use Permit are also required in addition to this application (see below).

FOR MULT-FAMILY RENTAL HOUSING – RETURN WITHDRAWN UNITS TO RENTAL MARKET RENT CONTROL BOARD CERTIFICATION (to be completed by Board Staff Member)

The applicant has complied with requirements set forth in the Government Code Sections 7060.2 and 7060.4 and with applicable regulation promulgated by the Rent Control Board.

Name	Date	<u>N/A -</u>
Title		<u>1/17/14</u>

FOR COOPERATIVE APARTMENTS ONLY:

Has a subdivision map been obtained in accordance with Chapter 3 of Article IX of the Santa Monica Municipal Code? Yes No

Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:
Date of Approval _____ TTM No. or Parcel Map No. _____

Date of approval for the Final Tract Map: _____

PART 5 CERTIFICATION

OWNER:

I CERTIFY UNDER PENALTY OF PERJURY that the information contained in this application is correct.



Owner's Signature

9/19/12

Date

N0931191

Driver's License Number and State of Issuance

12/14/13

Expiration Date

OCCUPANT/S

With this signature, I declare I will not transfer money, provide services, or offer other forms of compensation to the owner in exchange for residency within the subject property.

Occupant's Signature

Date

Occupant's Signature

Date