



Information Item

Date: February 5, 2009

To: Mayor and City Council

From: Eileen Fogarty, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 301 Ocean Avenue (08OC-006)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 301 Ocean Avenue. The Ellis process for 13 of the 47 units on this property was completed on July 15, 2008. The remaining units will be withdrawn effective March 17, 2009. Pursuant to SMMC Section 4.32.130, no property or rental units, which have been withdrawn pursuant to the Ellis Act, shall be subsequently occupied unless an occupancy permit is obtained.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 based on finding 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 application for Occupancy Permit (08OC-006) for 301 Ocean Avenue conforms to these provisions.

The applicant proposes to have an on-site property manager occupy one unit within the existing 47-unit building. The determination granting the Occupancy Permit (08OC-006)

was issued on February 2, 2009. 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 Section 4.32.130(d) 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: Tony Kim, Associate Planner
Amanda Schachter, Planning Manager
Eileen Fogarty, Director
Planning and Community Development Department

cc: Planning Commission



City of
Santa Monica™

**CITY OF SANTA MONICA
CITY PLANNING DIVISION**

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit, OC 08-006
Address:	301 Ocean Avenue
Zoning:	R4 (High Density Multiple Family Residential) District
Proposed Use:	Allow the occupancy and residential use of one unit following withdrawal from Rent Control pursuant to the Ellis Act.
CEQA Status:	Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of the re-occupancy of an existing multi-family dwelling removed from the rental market.
Applicant:	301 Ocean Development, LLC
Rent Control Status:	The property contains 47 units, 13 of which were withdrawn from the rental market via the Ellis Act on July 15, 2008. The withdrawal of the remaining units will be completed by March 17, 2009.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Multi-family residential	Multi-family residential	Occupancy for an on-site property manager of one unit previously withdrawn from the rental market.
Parking:	NA	44 existing spaces	44 spaces to remain

Comments/Conclusion: Proposed is the occupancy and residential use of one of fourteen units previously removed from the rental market via the Ellis Act. An on-site property manager proposes to occupy the subject unit without paying rent as defined by the Rent Control law. The unit will not be rented and may be occupied by non-rent paying family members or other persons in compliance with all applicable Rent Control and Santa Monica laws.

This application for an Occupancy Permit (08OC-006) is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and conditions:

FINDINGS:

1. *The proposed use is in compliance with Santa Monica Municipal Code (SMMC) Section 4.32.130 and any such City Ordinances that apply in that one unit previously withdrawn from the rental market on the property will be occupied by a person or persons who do not have any ownership interest in the property and will not pay rent as defined by Section 1801(f) of the City Charter. Unit #14 will be occupied by a property manager.*
2. *The proposed occupancy conforms to the Land Use Element of the General Plan in that the multi-family residential use will not be altered.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing multi-family residential use will not be altered.*
4. *The Rent Control Board has confirmed that the withdrawal of 13 units from the rental market pursuant to the Ellis Act was completed on July 15, 2008. Property manager occupancy of one withdrawn unit without payment of rent is consistent with SMMC Section 4.32.130.*

CONDITIONS:

1. Within ten (10) days of transmittal of City Planning Division approval, project applicant shall sign and return a copy of the Occupancy Permit determination prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such 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: _____ Date: _____
Amanda Schachter
Zoning Administrator

Case Planner: Tony Kim, 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

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