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# Information Item

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**Date: May 20, 2009**

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 2267 31<sup>st</sup> Street (09OC-010)

## **Introduction & Discussion**

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2267 31<sup>st</sup> Street. The Rent Control Board confirmed that four units were withdrawn from the market on July 6, 2006. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 if the Planning Director finds that the property or rental unit is to be used for residential use without payment of rent. The application for Occupancy Permit (09OC-010) for 2267 31<sup>st</sup> Street conforms to these provisions.

The applicants propose to occupy one unit and allow two units to be occupied by other persons. The determination granting the Occupancy Permit (09OC-010) was issued on May 20, 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 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: Chris Townes, Assistant Planner  
Planning and Community Development Department

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit, 09OC-010

Address: 2267 31<sup>st</sup> Street

Zoning: R2 (Low Density Multiple Family Residential District)

Proposed Use: Allow the owner-occupancy and residential use of three of four units following withdrawal from Rent Control pursuant to the Ellis Act, without payment of rent.

CEQA Status: Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of the occupancy of an existing multi-family dwelling removed from the rental market.

Applicant: Julie McCue, Paul D'Angelo

Rent Control Status: The property contains four units. The Rent Control Board has confirmed that all units were withdrawn from Rent Control via the Ellis Act on July 6, 2006.

**GENERAL PLAN & MUNICIPAL CODE CONFORMANCE**

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use Permitted Use:	Multi-family residential	Multi-family residential	4-unit property withdrawn from the rental market and owner-occupancy and other occupancy without rent of three units.
Parking		4, 1-bedroom units registered with Rent Control = 4 spaces existing.	Four uncovered parking spaces provided at rear of property accessed from a driveway off of 31 <sup>st</sup> Street.
Parking Access			Driveway along the north side property line accessed off of 31 <sup>st</sup> Street.

**Comments/Conclusion:** Proposed is the owner and other occupancy without rent of three of four units withdrawn from the rental market pursuant to the Ellis Act Government Code Sections 7060 et seq. As conditioned, the units 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 (09OC-010) 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 SMMC 4.32.130(c)(1) in that two of the four units 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. The rear unit, Unit D, will be occupied by the owners of the property.*
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 units will remain, three of the four units will be occupied, and four on-site parking spaces are provided for the existing units.*
4. *The Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act was completed on July 6, 2006.*

**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: <u>Amanda Schachter</u> Date: <u>5-20-09</u> Amanda Schachter Zoning Administrator
Case Planner: <u>Chris Townes, Assistant Planner</u>

EFFECTIVE DATE OF ACTION: \_\_\_\_\_

EXPIRATION DATE OF ACTION: \_\_\_\_\_

LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATE: \_\_\_\_\_

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.

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Signature

Date

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Print name here

Drivers License Number  
Santa Monica, California