



Information Item

Date: August 10, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determinations for Properties at 2408 Pier Avenue (09OC-001), 2101 Arizona Avenue (09OC-002) and 1844 16th Street (09OC-006)

Introduction & Discussion

Attached for the Council's information are copies of Occupancy Permit determinations for the properties at 2408 Pier Avenue, 2101 Arizona Avenue and 1844 16th Street. The Rent Control Board confirmed that the units at 2101 Arizona Avenue were withdrawn from the market on May 30, 2009; the units at 2408 Pier Avenue were withdrawn from the market on July 1, 1988 and the units at 1844 16th Street were withdrawn from the market on September 10 2002. The applicant proposes to have a relative occupy the single family dwelling at 2408 Pier Avenue; the applicant for 2101 Arizona Avenue will have non-rent paying tenants associated with the St. John's Health Center occupy the building and the owner of 1844 16th will occupy one unit while the remaining units will be occupied by non-rent paying tenants and relatives.

Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 occupants of the property or rental unit will not pay rent as defined in Section 1801(f) of the City Charter. The applications for Occupancy Permits 09OC002 and 09OC006 at 2408 Pier Avenue and 1844 16th Street conform to these provisions. Pursuant to SMMC Section 4.32.130(c) (2) an occupancy permit for residential occupancy shall also be

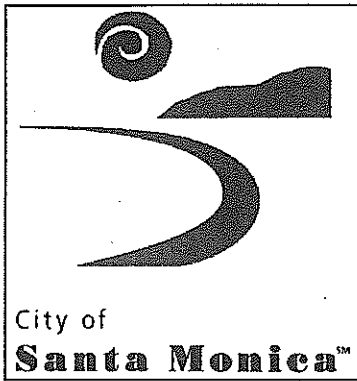
approved if the Planning Director finds that the property or rental unit is to be used for multifamily rental housing, and the Rent Control Board has certified that the owner has complied with the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit OC 09-001 for 2101 Arizona Avenue conforms with these provisions.

The determinations granting the Occupancy Permits (09OC-001, 09OC-002 and 09OC-006) were issued on August 10, 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 decisions approving these Occupancy Permits 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, OC 09-002
Address:	2408 Pier Avenue
Zoning:	R1 (Single 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 single family dwelling.
Applicant:	Alko Saito, Alko Saito Trust
Rent Control Status:	The Rent Control Board has confirmed that the unit was withdrawn from Rent Control via the Ellis Act on July 1, 1988.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Single-family residential	Single-family residential	Occupancy of one unit without rent or compensation to the property owner.

Comments/Conclusion: Proposed is the removal of one unit, a single family dwelling, from the rental market pursuant to the Ellis Act Government Code Sections 7060 et seq. As conditioned, 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 (09OC-002) is:

- Denied
- Subject to separate administrative or discretionary review.
- Granted with the following findings and conditions:

FINDINGS:

1. *The proposed use is in compliance Santa Monica Municipal Code (SMMC) Section 4.32.130(c)(1) and any such City Ordinances that apply in that no occupants will pay rent as defined in Section 1801(f) of the City Charter.*
2. *The proposed occupancy conforms to the Land Use Element of the General Plan in that the single-family residential use will not be altered.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing single-family residential use will not be altered.*
4. *The applicant received approval from the Rent Control Board on April 14, 2009. 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 1, 1988.*

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: Amanda Schachter Date: 08.10.09
Amanda Schachter
Zoning Administrator

Case Planner: Gina Szilak, Associate Planner

EFFECTIVE DATE OF ACTION: 8.25.09

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



**CITY OF SANTA MONICA
CITY PLANNING DIVISION**

**OCCUPANCY
PERMIT DETERMINATION**

Case Number:	Occupancy Permit, 09OC-001
Address:	2101 Arizona Avenue
Zoning:	R2 (Low Density Multifamily Residential District)
Proposed Use:	Allow the occupancy of a residential building by individuals associated with St. John's Health Center 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 residential occupancy of a residential building.
Applicant:	St. John's Health Center
Rent Control Status:	The subject property contains two units. The Rent Control Board has confirmed that the subject units were withdrawn from Rent Control via the Ellis Act on May 30, 2009.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Low Density Housing	R2, Low Density Residential	Allow occupancy of two residential units by non-rent paying persons.

Comments/Conclusion: The subject property consists of two units that were withdrawn from Rent Control pursuant to the Ellis Act on May 30, 2009. As conditioned, the units will not be rented and may be occupied by non-rent paying tenants affiliated with the Saint John's Health Center.

This application for an Occupancy Permit (09OC-001) 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) 4.32.130 (c)(1) in that both 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.*
- 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, all units will be occupied, and two 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 May 30, 2009.*

CONDITIONS:

1. Per the letter dated May 18, 2009 from Saint John's Health Center, the occupancy of the subject property will be limited to nuns associated with the sisters of Charity of Leavenworth Health Services Corporation, family members of a patient at St. Johns Health Center, priests who minister to patients or families being served by St. Johns Health Center, or individuals affiliated with Saint John's (not employees) who would reside in these units rent free.
2. 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: Amanda Schachter Date: 08.10.09
Amanda Schachter
Zoning Administrator

Case Planner: Gina Szilak, Associate Planner

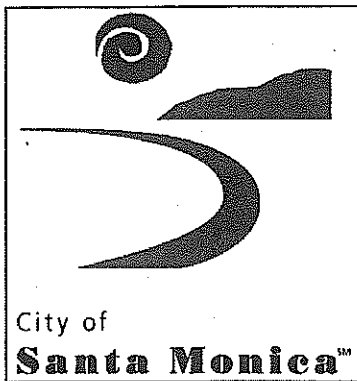
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CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number:	Occupancy Permit, OC 09-006
Address:	1844 16 th Street
Zoning:	R2 (Low Density Multifamily Residential District)
Proposed Use:	Allow the occupancy and residential use of four units 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 four units that were removed from Rent Control via the Ellis Act.
Applicant:	Julian & Maria Martin
Rent Control Status:	The Rent Control Board has confirmed that the unit was withdrawn from Rent Control via the Ellis Act on September 10, 2002.

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	4-unit property withdrawn from the rental market to be occupied by property owner (Unit C) with three remaining units to be occupied by

			non-rent relatives persons.	paying or other
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Comments/Conclusion: Proposed is the removal of a four unit property 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-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 Santa Monica Municipal Code (SMMC) Section 4.32.130(c)(1) and any such City Ordinances that apply in that no more than one unit on the property will be occupied by the owner and that the remaining dwelling units will be occupied by non-rent paying relatives of the property owner.*
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 applicant received approval from the Rent Control Board on March 24, 2009. The Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act was completed on September 10, 2002.*

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: Amanda Schachter Date: 08-10-09
Amanda Schachter
Zoning Administrator

Case Planner: Gina Szilak, Associate Planner

EFFECTIVE DATE OF ACTION: 8.25.09

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