



Information Item

Date: April 16, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 815 3rd Street (09OC-004)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 815 3rd Street. The Rent Control Board confirmed that the property was withdrawn from the rental market on December 1, 2001 and August 3, 2002 and that the owner's occupancy and residential use without payment of rent is consistent with uses permitted under Section 4.32.120. Pursuant to SMMC Section 4.32.130, no property or rental units, which have been withdrawn pursuant to the Ellis Act, shall be subsequently occupied unless an occupancy permit is obtained.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 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 09OC-004 for 815 3rd Street conforms to these provisions.

The owner proposes to occupy one unit of the existing six-units and allow others to reside within the remaining units as non rent paying occupants. The determination granting the Occupancy Permit (09OC-004) was issued on April 16, 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: Grace Cho, Associate Planner



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit, 09OC-004
Address:	815 3 rd Street
Zoning:	R3 District, (Medium Density Multiple Family Residential)
Proposed Use:	To allow owner occupancy and residential use of six units previously withdrawn from Rent Control pursuant to the Ellis Act. All units are to be occupied 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 permitting the rental of an existing multi-family dwelling.
Applicant:	P-One Productions, LLC
Rent Control Status:	All units within a 6-unit multi-residential building have been withdrawn from Rent Control pursuant to the Ellis Act. Specifically, units A, B, D, and E were withdrawn on December 1, 2001. Units C and F were withdrawn on August 3, 2002.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use	High Density Housing	R3, Medium Density Residential	To allow occupancy of six (6) units withdrawn from Rent Control via the Ellis Act.

Comments/Conclusion: The application complies with Santa Monica Municipal Code Section 4.32.130(c)(1) pertaining to the standards for occupancy of residential units following withdrawal pursuant to the Ellis Act. No rent shall be charged for the occupied units or any remaining vacant units unless the applicant reinstates the residential units under Rent Control.

This application for an Occupancy Permit (09OC-004) 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 one unit on the property will be occupied by an owner of the property and other units on the property are occupied by occupants who do not have any ownership interest in the property and do 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 high density housing 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 19, 2009 to allow occupants to reside in units without paying rent.*

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: _____
Zoning Administrator

Case Planner: Grace Cho, 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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