



Information Item

Date: October 20, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1027 Euclid Street (09OC-012)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1027 Euclid Street. The property consists of six units which were withdrawn from the market on September 19, 2002. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained. The property owner proposes owner occupancy of one unit and the remaining five units will be occupied by non-rent paying persons who have no ownership interest in the property. Pursuant to SMMC Section 4.32.130(c) (2) an occupancy permit for residential occupancy shall be approved if the Planning Director finds that the property or rental unit is to be once again 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 09OC-012 for 1027 Euclid Street conforms to these provisions.

The determination granting the Occupancy Permit (09OC-012) was issued on October 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: Steve Mizokami, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit, 09OC-012
Address:	1027 Euclid Street
Zoning:	R2 (Low Density Multiple Family Residential)
Proposed Use:	To allow owner-occupancy and residential use of six (6) units previously withdrawn from Rent Control pursuant to the Ellis Act.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 re-occupancy of an existing structure.
Applicant:	Gary Strathearn, Olga Strathearn, & Dimitri Strathearn
Rent Control Status:	The subject property contains six (6) units. The Rent Control Board has confirmed that the subject six units were withdrawn from Rent Control via the Ellis Act on September 19, 2002.

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	To allow occupancy of six (6) units withdrawn from Rent Control via the Ellis Act.

Comments/Conclusion: Applicant proposes owner-occupancy of one (1) unit (1027) within an existing six (6)-unit apartment building. The remaining 5 units (1027 ½, A, B, C, D) will be occupied. 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-012) 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 low 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 Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act was completed on September 19, 2002.*

CONDITIONS:

1. In compliance with SMMC 4.32.130(c)(1), 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. 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).

<p><i>Determination by:</i> _____ <i>Date:</i> _____ Amanda Schachter Zoning Administrator</p> <p><i>Case Planner:</i> <u>Steve Mizokami, Associate Planner</u></p>

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.

Signature

Date

Print name here

Drivers License Number
Santa Monica, California

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