



Information Item

Date: April 22, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1513 17th Street (09OC-003)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1513 17th Street. The Rent Control Board confirmed that four units are eligible to be returned to the market on March 25, 2009 and will be subject to Rent Control regulations. The property consists of four units and all four units were withdrawn from the market on December 7, 2007. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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)(2) 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 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-003 for 1513 17th Street conforms to these provisions.

The applicant proposes to rent the four units. The determination granting the Occupancy Permit (09OC-003) was issued on April 22, 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: Lily Yegazu, Associate Planner
Amanda Schachter, Planning Manager
Planning and Community Development Department

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit, 09OC-003
Address:	1513 17 th Street
Zoning:	BCD (Broadway Commercial District)
Proposed Use:	Return 4-units to the rental market, subject to Rent Control Board regulations.
CEQA Status:	Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project involves reinstating the rental status of four units in an existing multi-family dwelling.
Applicant:	Amir Rejaei
Rent Control Status:	The property contains four units. The Rent Control Board has confirmed that the subject four units were withdrawn from Rent Control via the Ellis Act on December 7, 2007 and on March 25, 2009 confirmed compliance with Rent Control Board regulations for the return of units to the rental market.

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 to be reinstated into the rental market.

Comments/Conclusion: The proposal is to allow reinstatement of a 4-unit property to the rental market. The subject 4-units were previously removed from the rental market pursuant to the Ellis Act on December 7, 2007. On March 25, 2009 the Rent Control Board affirmed that the owner has complied with requirements set forth in Government Code Section 7060.2 and 7060.4 and applicable Board regulations for offering previously withdrawn units for rent or lease.

This application for an Occupancy Permit (09OC-003) 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)(2) in that the rental units are 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. On March 25, 2009, the Rent Control Board verified applicant compliance with Rental Control Board regulations for the return of four units (Units A, B, C and D) to the rental market.*
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 the property from the rental market pursuant to the Ellis Act was completed on December 7, 2007 and verified the Board Requirements for returning the four units to the rental market on March 25, 2009.*

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).

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