

Information Item

Date: May 29, 2009

To: Mayor and City Council


From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 739 Hill Street (09OC-005)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 739 Hill Street. The Rent Control Board confirmed that two of the four units are eligible to be returned to the market on April 2, 2009 and will be subject to Rent Control regulations. The property consists of four units which were withdrawn from the market on January 30, 1990. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 OC 09-005 for 739 Hill Street conforms to these provisions.

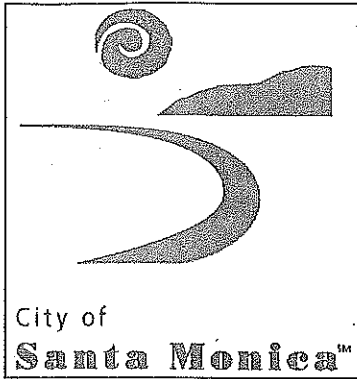
The applicant proposes to re-rent the two units. The determination granting the Occupancy Permit (09OC-005) was issued on May 29, 2009. Pursuant to SMMC Section 4.32.130 (d) the Planning Director shall make a written report to the Planning Commission and the City Council within 5 days of approving an 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**

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|----------------------|---|
| Case Number: | Occupancy Permit, 09OC-005 |
| Address: | 739 Hill Street |
| Zoning: | C4 (Highway Commercial District) |
| Proposed Use: | Return 2 dwelling 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 consists of reinstating rental status of two dwelling units in an existing multi-family dwelling. |
| Applicant: | William L. Zirbes and Joan L. Zirbes Revocable Trust |
| Rent Control Status: | The subject 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 January 30, 1990 and on April 2, 2009 confirmed compliance with Rent Control Board regulations for the return of 2 of the 4 dwelling 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: | Service & Specialty Commercial | Multi-family residential | 2-dwelling units to be reinstated into the rental market. |

Comments/Conclusion: The proposal is for the reinstatement of 2 dwelling units (of a 4-unit property) to the rental market. The 4 units on the subject property were previously removed from the rental market pursuant to the Ellis Act on January 30, 1990. Occupancy Permit 89-003 and Administrative Approval 89-179 allowed a change of use of the 4 units on-site from residential to commercial use. The applicant proposes to return two of the four units (C200 & D201, located on the second floor of the building) to the rental market, and maintain the remaining two ground floor units (A100 & B101) as commercial tenant spaces as previously approved. Pursuant to SMMC Section 9.04.08.22.020(x), multi-family residential use is permitted in the C4 District. Pursuant to SMMC Section 9.04.10.08.040, commercial office/retail has a 1/300 SF parking requirement and a 1.5 parking space requirement for a one-bedroom residential unit. Units C200 & D201 are one-bedroom units, have a combined total of 1,000 SF, and are currently grandfathered for 3 parking spaces. The proposed residential use requires the same amount of parking (3 parking spaces) as compared to the existing use, therefore the proposed change of use is compliant with City parking standards. The proposed change of use complies with both permitted land uses in the district and parking regulations, thereby warranting City Planning approval. On April 2, 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. The rental of these units will comply with all applicable Rent Control laws.

This application for an Occupancy Permit (09OC-005) 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 April 2, 2009, the Rent Control Board verified applicant compliance with Rental Control Board regulations for the return of two units (C200 & D201 located on the second floor) 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 January 30, 1990 and verified the Board Requirements for returning two of the four units to the rental market on April 2, 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).

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| Determination by: <u>Amanda Schachter</u> Date: <u>5-29-09</u> Amanda Schachter Zoning Administrator |
| Case Planner: <u>Steve Mizokami, Associate 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.

Signature Date

Print name here Drivers License Number
Santa Monica, California