



# Information Item

Date: May 20, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 921 16<sup>th</sup> Street (09OC-009)

## Introduction & Discussion

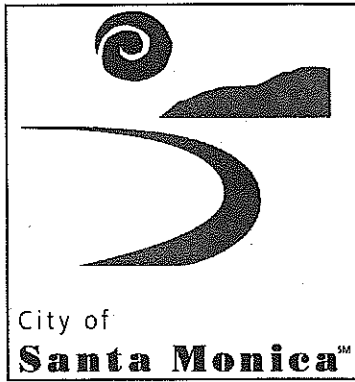
Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 921 16<sup>th</sup> Street. On May 5, 2009, the Rent Control Board confirmed that six units are eligible to be returned to the residential rental market and will be subject to Rent Control regulations. The property consists of six units which were withdrawn from the market on December 28, 2005. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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, with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit OC 09-009 for 921 16<sup>th</sup> Street conforms to these provisions.

The applicant proposes to operate the six units as multiple residential rental housing units. The determination granting the Occupancy Permit (09OC-009) was issued on May 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: Grace Cho, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit, 09OC-009
Address:	921 16 <sup>th</sup> Street
Zoning:	R2 District, (Low Density Multiple Family Residential)
Proposed Use:	To Re-instate 6 Residential Units Under Rent Control
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 six units in an existing multi-family dwelling
Applicant:	Kimberly Madrigal
Rent Control Status:	The Rent Control Board has confirmed that the subject units were withdrawn from Rent Control via the Ellis Act on December 28, 2005 and confirmed compliance with regulations and requirements for the return of six units to the residential rental market on May 5, 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	To allow 6 units to be reinstated into the rental market.

**Comments/Conclusion:** The proposal is for the reinstatement of a six-unit property to the rental market. The six units were previously removed from the rental market pursuant to the Ellis Act in 2005. On May 5, 2009, the Rent Control Board confirmed that the owner has complied with the requirements set forth in Government Code Section 7060.2 and 7060.4 and applicable Board regulations for offering withdrawn units for rent or lease.

This application for an Occupancy Permit (09OC-009) 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 Section 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.*
- 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 28, 2005, and verified compliance with Board regulations for returning the six units to the rental market on May 5, 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).

Determination by: Armand DeGard  
Zoning Administrator

Date: 5-20-09

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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