



Information Item

Date: November 5, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determinations for Properties at 745 and 749 17th Street (09OC-014 and 09OC-017)

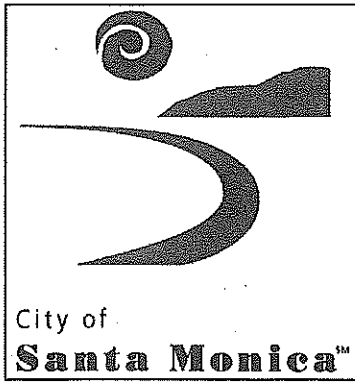
Introduction & Discussion

Attached for the Council's information are copies of Occupancy Permit determinations for the adjacent properties under common ownership at 745 and 749 17th Street. Each property consists of five units which were withdrawn from the rental market on November 30, 2007. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained. The property owner proposes returning all 10-units (5 units on each site) to the rental market. 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4.32.130(c)(2) an occupancy permit for residential occupancy shall be approved if the Planning Director finds that the withdrawn property or rental unit is to once again be used for multifamily rental housing, and the Rent Control Board has certified that the current owner has complied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-014 and 09OC-017 for 745 and 749 17th Street conforms to these provisions.

The determinations granting the Occupancy Permit (09OC-014 and 09OC-017) were issued on November 5, 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: Gina Szilak, Associate Planner



CITY OF SANTA MONICA
CITY PLANNING DIVISION

**OCCUPANCY
PERMIT DETERMINATION**

Case Number:	Occupancy Permit, OC 09-014
Address:	749 17 th Street
Zoning:	R2 (Low Density Multiple Residential District)
Proposed Use:	The return of 5 rent controlled units to the rental market.
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:	Charles Rosenbleet
Rent Control Status:	Property withdrawn from Rent Control on November 30, 2007. Rent Control Board approved return of property to rental market on July 22, 2009.

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	5 units existing units returning to rental market.

Comments/Conclusion: Proposed is the return of 5 rent controlled units to the rental market. The property was removed from the rental market, effective November 30, 2007. On July 22, 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-014) 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 Santa Monica Municipal Code (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 applicant received approval from the Rent Control Board on July 22, 2009, to return the property to the rental market.*

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: Amanda A. Gach Date: _____
Zoning Administrator

Case Planner: Gina Szilak, 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.

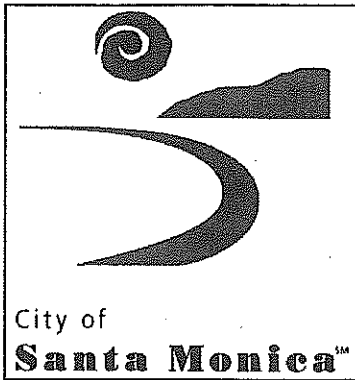
Signature

Date

Print name here

Drivers License Number
Santa Monica, California

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CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit, OC 09-017

Address: 745 17th Street

Zoning: R2 (Low Density Multiple Residential District)

Proposed Use: The return of 5 rent controlled units to the rental market.

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: Charles Rosenbleet

Rent Control Status: Property withdrawn from Rent Control on November 30, 2007. Rent Control Board approved return of property to rental market on September 16, 2009.

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	5 units existing units returning to rental market.

Comments/Conclusion: Proposed is the return of 5 rent controlled units to the rental market. The property was lawfully removed from the rental market, effective November 30, 2007. On September 16, 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-017) 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 Santa Monica Municipal Code (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.*
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Determination by: *Amran A. Raci* Date: 11.5.09
Zoning Administrator

Case Planner: *Gina Szilak, 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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