



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 901 Ocean Avenue (09OC-011)

Introduction & Discussion

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 901 Ocean Avenue. The property consists of 28 units which were withdrawn from the market on April 4, 2007 by a prior owner. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.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 28 units 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4.32.130(c)(2) an occupancy permit for residential occupancy shall be approved if the Planning Director finds that the withdrawn property or rental unit is to once again be used for multifamily rental housing, and the Rent Control Board has certified that the current owner has complied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-011 for 901 Ocean Avenue conforms to these provisions.

The determination granting the Occupancy Permit (09OC-011) 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: Tony Kim, Senior Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit 09OC-011
Address:	901 Ocean Avenue
Zoning:	R3 (Medium Density Multiple Family Residential)
Proposed Use:	To return twenty-eight (28) units, previously withdrawn from Rent Control pursuant to the Ellis Act, to the residential rental market.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 re-occupancy of an existing structure.
Applicant:	Hollywood Tower Associates, LTD
Rent Control Status:	The subject property contains twenty-eight (28) units. The Rent Control Board has confirmed that the subject units were withdrawn from Rent Control via the Ellis Act on April 4, 2007 by a prior owner, and confirmed compliance by the current owner with regulations and requirements for the return of twenty-eight (28) units to the residential rental market on September 17, 2009.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	High Density Housing	R3, Medium Density Multiple Family Residential	To allow occupancy of twenty-eight (28) units withdrawn from Rent Control via the Ellis Act.

Comments/Conclusion: The proposal is for the reinstatement of a twenty-eight unit property to the rental market. The twenty-eight units were previously withdrawn from the rental market pursuant to the Ellis Act in 2007. On September 17, 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-011) 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 Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act by a prior owner was completed on April 4, 2007, and verified the applicant's compliance with Board regulations for returning the twenty-eight units to the rental market on September 17, 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).

<i>Determination by:</i> _____ <i>Date:</i> _____ Amanda Schachter Zoning Administrator
<i>Case Planner:</i> <u>Tony Kim, Senior 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