



Information Item

Date: January 25, 2010

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 419 Hill Street (09OC-019)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 419 Hill Street. The property consists of a 4-unit multi-residential building which was withdrawn from the rental market on December 9, 2004. Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained.

Discussion

The property owner proposes returning all 4 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4.32.130(c)(2) an occupancy permit for residential occupancy shall be approved if the Planning Director finds that the withdrawn property or rental unit will be again used for multifamily rental housing, and the Rent Control Board has certified that the current owner has complied with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-019 for 419 Hill Street conforms to these provisions.

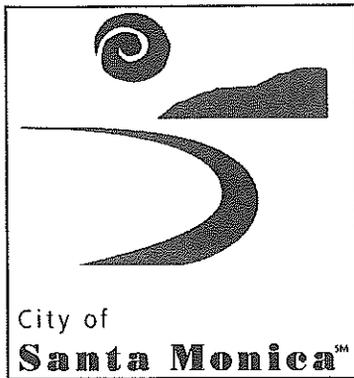
The determination granting the Occupancy Permit (09OC-019) was issued on January 25, 2010. Pursuant to SMMC Section 4.32.130 (d) the Planning Director shall make a

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-019
Address:	419 Hill Street
Zoning:	OP2 (Ocean Park Low Multiple Family) District
Proposed Use:	To return four (4) units, previously withdrawn from Rent Control pursuant to the Ellis Act, to the residential rental market.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:	Ravinder & Jacquelin Singh
Rent Control Status:	The subject property contains four (4) residential units. The Rent Control Board has confirmed that the subject units were withdrawn from Rent Control via the Ellis Act on December 9, 2004.

GENERAL PLAN & MUNICIPAL CODE CONFORMANCE

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Multi-Family Residential	OP2, Ocean Park Low Multiple Family	To allow occupancy of four (4) units withdrawn from Rent Control via the Ellis Act.

Comments/Conclusion: The proposal is for the reinstatement of a four unit property to the rental market. The four units were previously withdrawn from the rental market pursuant to the Ellis Act on December 9, 2004. On December 31, 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-019) 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 the property owner was completed on December 9, 2004, and verified the applicant's compliance with Board regulations for returning four units to the rental market on December 31, 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: Amanda Schachter Date: 01.25.2010
Amanda Schachter
Zoning Administrator

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

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