



Information Item

Date: January 25, 2011

To: Mayor and City Council
From: Eileen Fogarty, Planning & Community Development
Subject: Transmittal of Occupancy Permit Determination for Property at 2401 28th Street (Occupancy Permit No. 10OC-009)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 2401 28th Street. The four units at this property were withdrawn pursuant to the Ellis Act Effective on May 25, 2007, and are being returned to the rental market. Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on finding that the property or rental units therein are to be used as two owner-occupied and two rentals, 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 No. 10OC-009 for 2401 28th Street conforms to these provisions.

The determination granting the Occupancy Permit (10OC-009) was issued on January 25, 2011. Pursuant to SMMC Section 4.32.130 (c)(4) the Planning Director shall make a written report to the Planning Commission and the City Council within five days of approving an Occupancy Permit.

According to Section 4.32.130(c)(4) SMMC, 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: Russell Bunim, Associate Planner

cc: Planning Commission



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 100C-009

Address: 2401 28th Street front building
(Four Units) 2403 28th Street front building
2401 28th Street, Unit A rear building
2401 28th Street, Unit B rear building

Zoning: Low Density Multiple Residential District

General Plan: Low Density Residential

Proposed Use: The applicant proposes to return four units of multifamily residential housing back to the rental market in accordance with the Ellis Act.

CEQA Status: Ministerial, exempt.

Applicant: 28th Street Condos, LLC

Rent Control Status: The property was withdrawn from Rent Control on May 25, 2007. 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.

Comments/Conclusion: The applicant requests the return of a four-unit residential building back to the rental market – two owner-occupied and two rentals. The rental units will comply with all applicable Rent Control laws.

FINDINGS

The Planning Director finds that the property and/or rental unit therein 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.

Determination

This application for an Occupancy Permit No. 10OC-009 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and conditions:

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).
2. While the application states that two of the withdrawn units will be rented and two will be owner-occupied, all four units are being returned to the rental market. There are no restrictions on the number of units that can be owner-occupied under Rent Control Law (Article XVIII of the Santa Monica City Charter); however, if the two owner-occupied units are subsequently rented out, they shall comply with the Rent Control Law (Government Code Section 7060 – 7060.7).

Determination by: Amanda Schachter Date: 1/25/11
Amanda Schachter
Zoning Administrator

Case Planner: Russell Bunim, 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