



Information Item

Date: September 18, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 749 17th Street (13OC-001).

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 749 17th Street. The subject property is developed with a five-unit residential building located in the R2 zoning district.

Discussion

The five-unit apartment building was removed from the rental market on February 1, 2011 and subsequently vacated in anticipation of a proposed project development for the site which never occurred. Rent Control Board records indicate that the property was re-rented beginning March 8, 2013. The current application allows re-rental of the on-site units at market rent subject to Rent Control authority as the units were previously vacant when they were withdrawn from the rental market.

Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on the finding that the property or rental unit therein

is to be used for multifamily rental housing. On February 25, 2013 the Rent Control Board certified that the owner was in compliance, 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 13OC-001 at 749 17th St. conforms to these provisions.

The determination granting Occupancy Permit 13OC-001 was issued on September 18, 2014. 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.

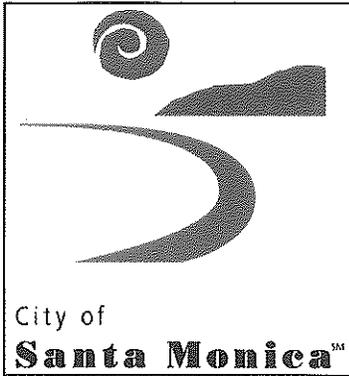
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

Prepared by: Gina Szilak, Associate Planner

Attachments: A: Occupancy Permit Determination
B. Occupancy Permit Application

cc: Planning Commission

ATTACHMENT A
OCCUPANCY PERMIT DETERMINATION



CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit No. 13OC-001
Address:	749 17 th Street
Zoning:	R2 (Low Density Multiple Residential District)
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to reoccupy a five-unit residential building in accordance with the Ellis Act.
CEQA Status:	The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.
Applicant:	Charles Rosenbleet
Rent Control Status:	The five units on the subject property were withdrawn from Rent Control on February 1, 2011. 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 to reoccupy five-residential units that have been returned to the rental market effective March 8, 2013. The units were removed previously from the rental market on February 1, 2011 and subsequently vacated in anticipation of a proposed project development for the site which never occurred. The current application allows re-rental of the on-site units at market rent subject to Rent Control authority in that the units were previously vacant when they were withdrawn from the rental market.

Determination

The Planning Director finds that the property or rental units 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.

The application for Occupancy Permit No. 13OC-001 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following conditions.

CONDITIONS

1. Within ten (10) days of transmittal of City Planning Division approval, the applicant shall sign the Occupancy Permit determination prepared by the City Planning Division.
2. No property or rental units therein which have been withdrawn pursuant to the Ellis Act, Government Code Sections 7060 et seq., shall be subsequently occupied unless an occupancy permit is obtained in accordance with the provisions of this Section.
3. The five on-site units will be rented at market rate subject to Rent Control Law. Additionally the units shall comply with the Rent Control Law (Government Code Section 7060 – 7060.7).
4. Failure to comply with the 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).

<p>Determination by: <u>Amanda Schachter</u> Date: <u>9.18.14</u> Amanda Schachter, Zoning Administrator</p> <p>Case Planner: <u>Gina Szilak, Associate Planner</u></p>

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

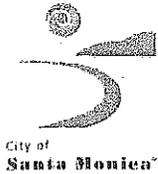
Date

Print name here

Driver License Number
Santa Monica, California

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ATTACHMENT B
OCCUPANCY PERMIT APPLICATION



CITY OF SANTA MONICA – CITY PLANNING DIVISION
**OCCUPANCY PERMIT APPLICATION
 FOR OCCUPANCY OF PROPERTY FOLLOWING
 WITHDRAWAL PURSUANT TO THE ELLIS ACT**

This part to be completed by City staff

Application Number(s) _____

Filing Date: _____
 Fee: \$ _____
 Receipt#: _____
 Received by: _____

Once a property has been withdrawn from the rental market under the procedures set forth in Government Code Sections 7060 et seq., there are specific requirements that must be met in order for the property to be subsequently occupied. The Planning Division is responsible for reviewing and acting upon occupancy applications. Any interested party can appeal the Planning Division's decision to the Planning Commission, and then to the City Council, in accordance with Subchapter 9.04.20 Part 9.04.20.24 of the Santa Monica Zoning Ordinance. Appeal forms can be obtained at the City Planning counter.

****REQUIRED FILING MATERIAL: PROVIDE A COPY OF THE GRANT DEED FOR SUBJECT PROPERTY****

PART 1 GENERAL INFORMATION

PROPERTY ADDRESS: 749 17th STREET, SANTA MONICA, CA 90402

Land Use Element District: R-2 Zoning District: R-2

Legal Description (Lot, Block, Tract) LOT 18, BLOCK V, GUILLET'S REGENT SQUARE

APPLICANT

Name: CHARLES ROSENBLAET

Address: 212 26th ST #102 ^{SANTA MONICA,} CA 90402 Phone: 310-877-6030

Email: OSNATINC@AOL.COM

PROPERTY OWNER

Name: VILLA ADVENTURES, LP (JO CHARLES ROSENBLAET)

Address: 212 26th ST #102 ^{SANTA MONICA} CA 90402 Phone: 310-453-1100

Email: OSNATINC@AOL.COM

ATTORNEY

Name: _____

Address: _____ Phone: _____

Email: _____

**PART 2 WITHDRAWAL COMPLETE
RENT CONTROL BOARD CERTIFICATION (staff use only)**

749, 751, 753, 755, 1711 2/1/11
Unit identification Date of withdrawal

Unit identification Date of withdrawal

[Signature]
Rent Control Signature

Staff Attorney
Title

2/25/13
Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units:	<u>5</u>	Number of Units at site prior to exercise of Ellis Act:	<u>5</u>
Number of Studio Units:	<u>2</u>	1-BR Units:	<u>2</u>
2-BR Units:	<u>1</u>	3-BR Units:	
4-BR Units:		5+BR Units:	
Number of Units at site to remain if intended use is approved:		<u>5</u>	
List unit size(s):	<u>749 = 1,200 SF 755 = 250 SF 751 = 650 SF 1711 = 200 SF 753 = 250 SF</u>		
Number of Parking Spaces:	<u>3</u>		
Existing	<u>3</u>	Standard	<u>3</u>
Proposed	<u>0</u>	Standard	
		Compact	
		Compact	
		Tandem	
		Tandem	

Description of all intended on-site uses. Include description of any units to remain vacant:
RETURN TO RESIDENTIAL USE. I HAVE NOTIFIED RENT CONTROL AND FILED ALL REQUIRED FORMS. ALL EXISTING UNITS TO RETURN TO RESIDENTIAL MARKET.

If the existing structure(s) will be altered significantly, please specify proposed alterations:
N/A

PART 4 INTENDED OCCUPANCY CHARACTERISTICS

To be filled in if this application is for residential occupancy

Applicants who wish to use the property for residential purposes must complete the following:

- 1. a.) Will a unit be occupied by the owner? Yes No
- b.) Which unit will be so occupied _____ unit #
- c.) Owner's name _____
- d.) Will any of the other units be occupied? Yes No
- e.) List the name(s) of the person(s) other than owner who will be occupying the units and which units will be so occupied:

UNITS ARE BEING PLACED ON MARKET FOR RENT

Name *NO TENANTS KNOWN* Unit No. _____

No more than one unit may be occupied by an owner of the property. The owner can have other persons living in the other units, provided those persons do not have any ownership interest in the property and do not pay rent.

- 2. Will the property be returned to use as multi-family rental housing? *YES*
If yes, then the Rent Control Certification below must be completed.
- 3. Will the property be used as a Cooperative Apartment? *NO*
If Cooperative is proposed for the property, Subdivision Map and Conditional Use Permit are also required in addition to this application (see below).

FOR MULT-FAMILY RENTAL HOUSING - RETURN WITHDRAWN UNITS TO RENTAL MARKET

RENT CONTROL BOARD CERTIFICATION (to be completed by Board Staff Member)

The applicant has complied with requirements set forth in the Government Code Sections 7060.2 and 7060.4 and with applicable regulation promulgated by the Rent Control Board.

Hakhamanesh Morzezie
Name

2/25/13
Date

Staff Attorney
Title

FOR COOPERATIVE APARTMENTS ONLY:

Has a subdivision map been obtained in accordance with Chapter 3 of Article IX of the Santa Monica Municipal Code? Yes No

Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:

Date of Approval _____ TTM No. or Parcel Map No. _____

Date of approval for the Final Tract Map: _____

PART 5 CERTIFICATION

OWNER:

I CERTIFY UNDER PENALTY OF PERJURY that the information contained in this application is correct.

Charles P. ...
Owner's Signature VILLA ADVENTURES, L.P.

02-06-13
Date

D1719572 (CA)
Driver's License Number and State of Issuance

05-24-13
Expiration Date

OCCUPANT/S

With this signature, I declare I will not transfer money, provide services, or offer other forms of compensation to the owner in exchange for residency within the subject property.

Occupant's Signature

Date

Occupant's Signature

Date