



# Information Item

Date: August 10, 2010

To: Mayor and City Council  
From: Eileen Fogarty, Director, Planning & Community Development  
Subject: Transmittal of Occupancy Permit Determination for Property at 1661 Appian Way (09OC-015)

## Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 1661 Appian Way. The Rent Control Board confirmed that the property was withdrawn from the rental market on May 15, 2008. Pursuant to SMMC Section 4.32.130, no property or rental units, which have been withdrawn pursuant to the Ellis Act, shall be subsequently occupied unless an occupancy permit is obtained. 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 property or rental unit is to be used for multiple family 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 OC 09-015 for 1661 Appian Way conforms to these provisions.

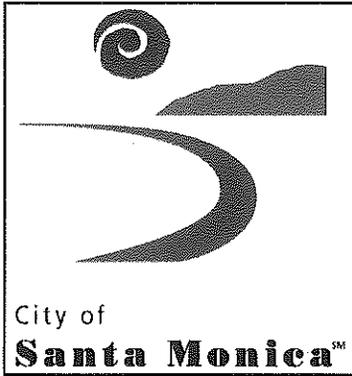
## Discussion

The owner proposes to convert the existing twelve-unit apartment building for use as licensed senior group housing. The determination granting the Occupancy Permit (09OC-015) was issued on August 10, 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 five 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: Lily Yegazu, Associate Planner

cc: Planning Commission



**CITY OF SANTA MONICA  
CITY PLANNING DIVISION**

**OCCUPANCY  
PERMIT DETERMINATION**

Case Number:	Occupancy Permit, OC 09-015
Address:	1661 Appian Way
Zoning:	R3 (Medium Density Multiple Family Residential) District
Proposed Use:	Allow the occupancy of units withdrawn per the Ellis Act for use as state-licensed senior group housing.
CEQA Status:	Categorically Exempt pursuant to Section 15301(Class 1) of the California Environmental Quality Act in that the project consists of the re-occupancy of an existing multi-family dwelling removed from the rental market.
Applicant:	
Property Owner:	Tova Kitron and Miri Lerner
Rent Control Status:	The property contains twelve units. The Rent Control Board has confirmed that all units were withdrawn from Rent Control via the Ellis Act on May 15, 2008.

**GENERAL PLAN & MUNICIPAL CODE CONFORMANCE**

<u>Category</u>	<u>General Plan</u>	<u>Municipal Code</u>	<u>Project</u>
Permitted Use:	Multi-family residential	Senior Group Housing (Preferred Permitted Project)	12-unit property withdrawn from the rental market and occupancy as state-licensed senior group housing.

Parking		0.5 space per unit plus 1 guest space per 5 units = 8 spaces	8 covered parking spaces and 1 surface parking space provided on site
Parking Access			Existing driveway via Appian Way.

**Comments/Conclusion:** Proposed is the removal from the rental market pursuant to the Ellis Act Government Code Sections 7060 et seq of a twelve unit apartment building and the occupancy of as state-licensed senior group housing in compliance with requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board and Santa Monica laws.

This application for an Occupancy Permit (09OC-015) 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 SMMC 4.32.130(c)(2) in that the property will be used for senior group housing. 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 and Circulation Element of the General Plan in that the proposed senior group housing use is consistent with Goal LU11 which emphasizes providing a diversity of housing options for all income groups Policy LU11.5 that encourages providing opportunities for housing and care facilities that meet the needs of people of different ages and abilities including seniors.*
3. *The proposed occupancy conforms to the Comprehensive Land Use and Zoning Ordinance in that the existing multi-family residential units will be occupied as senior group housing with nine on-site parking spaces provided for the existing units.*
4. *The Rent Control Board has confirmed that the withdrawal of the property from the rental market pursuant to the Ellis Act was completed on May 15, 2008.*

**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).

<p>Determination by: <u><i>Amanda Schachter</i></u> Date: <u>8-10-10</u> Amanda Schachter Zoning Administrator</p> <p>Case Planner: <u><i>Lily Yegazu, Associate Planner</i></u></p>
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EFFECTIVE DATE OF ACTION: \_\_\_\_\_

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**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.**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

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Print name here \_\_\_\_\_ Drivers License Number \_\_\_\_\_  
Santa Monica, California