



Information Item

Date: July 3, 2014

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1661 Appian Way (12OC-004)

Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1661 Appian Way. The subject property is developed with a 12 unit multi-family building located in the R3 zoning district. The applicant wishes to return all 12 units to the rental market, subject to Rent Control.

Discussion

According to the Rent Control Board, the property had 11 of the 12 units withdrawn from Rent Control via the Ellis Act on September 12, 2007. The 12th unit, Unit #5, was removed on May 15, 2008.

On July 22, 2008 an Occupancy Permit was approved for owner occupancy of one unit. In early 2009, the property owner hired an architect to develop a plan to change the use of the property to senior group housing. In July 2009, an Occupancy Permit was filed to change the use to senior group housing. A plan check was filed in November 2009 for

the conversion. A building permit was issued in April 2010 and final inspection occurred in July 2010. The Occupancy Permit for the conversion was approved in August 2010.

The property owner could not operate the senior group housing project as planned because it did not conform to the City's definition for such use and was not consistent with the Occupancy Permit. In September 2012, the property owner filed another Occupancy Permit to return the property to 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 October 10, 2013 the Rent Control Board certified that the owner was in compliance, 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 12OC-004 for 1661 Appian Way conforms to these provisions.

The determination granting Occupancy Permit 12OC-004 was issued on July 3, 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.

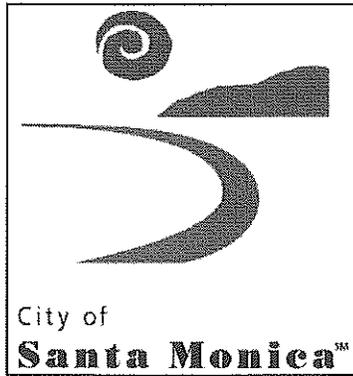
Prepared by: Gina Szilak, Associate Planner

Attachment A: Occupancy Permit Determination

Attachment 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. 12OC-004

Address: 1661 Appian Way (12-Units)

Zoning: R3 Medium Density Multifamily Residential District

General Plan: Medium Density Housing

Proposed Use: The applicant proposes to return twelve units to the rental market following withdrawal pursuant to the Ellis Act.

CEQA Status: The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.

Applicant: Tova Kitron

Rent Control Status: According to the Rent Control Board, the property had 11 of the 12 units withdrawn from Rent Control via the Ellis Act on September 12, 2007. The twelfth unit, Unit #5, was removed on May 15, 2008. 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 return a 12-unit residential property to the rental market in compliance with Rent Control Board regulations. Eleven of the 12 units were removed from the rental market via the Ellis Act on September 12, 2007, with Unit #5 withdrawn on May 15, 2008.

On July 22, 2008 an Occupancy Permit was approved for owner occupancy of one unit.

In early 2009, the property owner hired an architect to develop a plan to change the use of the property to senior group housing. In July 2009, an Occupancy Permit was filed to change the use to senior group housing. A plan check was filed in November 2009 for the conversion. A building permit was issued in April 2010 and final inspection occurred in July 2010. The Occupancy Permit for the conversion was approved in August 2010.

The property owner could not operate the senior group housing project as planned because it did not conform to the City's definition for such use and was not consistent with the Occupancy Permit. In September 2012, the property owner filed another Occupancy Permit to return the property to 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 twelve rental units have subsequently been registered and re-rented under Rent Control.

The application for Occupancy Permit No. 12OC-004 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 property owners have subsequently registered and re-rented the units subject to the authority of the Rent Control Board. The property owner shall notify the Rent Control Board and City Planning of any change to the property if they intend the units are no longer to be used for residential rental purposes.
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).

Determination by: Amanda Schachter Date: 7.3.14
Amanda Schachter, Zoning Administrator

Case Planner: Gina Szilak, 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

ATTACHMENT B
OCCUPANCY PERMIT APPLICATION



Tue 9/18
11-11³⁰ am

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) 206004

Filing Date: 9/18/12
 Fee: \$ 1,813.95
 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: 1661 APPIAN WAY, S.M., CA 90401

Land Use Element District: MEDIUM DENSITY HOUSING Zoning District: R3

Legal Description (Lot, Block, Tract) CARL F SCHAEFER SEASIDE TERRACE LOT 30, TRACT 48660

APPLICANT Name: MIRI LERNER CA 90066

Address: 12107 NAVY ST LOS ANGELES Phone: (310) 729-6474

Email: miri.lerner@yahoo.com

PROPERTY OWNER Name: TOVA KITRON

Address: 12107 NAVY ST, CA, CA 90066 Phone: (323) 899-2644

Email: tomiassociates@yahoo.com

ATTORNEY Name: _____

Address: _____ Phone: _____

Email: _____

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

1-46-12
Unit identification

9/12/07
Date of withdrawal

5
Unit identification

5/15/08
Date of withdrawal

[Signature]
Rent Control Signature

Staff Attorney 10/10/13
Title

10/10/13
Date Signed

PART 3 SITE CHARACTERISTICS

| | |
|--|---|
| Number of Existing Units: <u>12</u> | Number of Units at site prior to exercise of Ellis Act: <u>12</u> |
| Number of Studio Units: <u>12</u> | 1-BR Units: <u>0</u> |
| 2-BR Units: <u>0</u> | 3-BR Units: <u>0</u> |
| 4-BR Units: <u>0</u> | 5+BR Units: <u>0</u> |
| Number of Units at site to remain if intended use is approved: <u>ALL (12)</u> | |
| List unit size(s): <u>2, 3, 5, 8, 9, 11 = 275^{sq} ft, 1, 4, 6, 10, 12 = 385^{sq} ft, 7 = 400^{sq} ft</u> <i>have no kitchen sink</i> <i>HAVE KITCHEN</i> | |
| Number of Parking Spaces: <u>8</u> | |
| Existing <u>8</u> | Standard <u>8</u> Compact <u>/</u> Tandem <u>/</u> |
| Proposed <u>SAME</u> | Standard <u>8</u> Compact <u>/</u> Tandem <u>/</u> |

Description of all intended on-site uses. Include description of any units to remain vacant:
11 UNITS: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 RESIDENTIAL RENTAL UNDER RENT CONTROL
1 UNIT (#5) VACANT - NOT TO BE RENTED. (TILL MAY 2013)

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

N/A

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 N/A unit #
- c.) Owner's name N/A
- 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: RENTERS TO BE DETERMINED LATER

| Name | 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 yes, please list owners of undivided interests and their percentage of ownership. A copy of the most recent vesting grant deed must accompany this application.

| Name | Unit No. |
|------|----------|
| / | |
| | |
| | |
| | |
| | |

PART 5 CERTIFICATION

OWNER:

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



Owner's Signature

8/18/2012

Date

C 6764069 CA

Driver's License Number and State of Issuance

3/28/2015

Expiration Date

OCCUPANT/S

With this signature, I CERTIFY UNDER PENALTY OF PERJURY 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

F:\CityPlanning\Share\Templates\Applications\Occupancy Permit Application - Ellis Act.doc
Last Modified May, 2011