



Information Item

Date: June 23, 2016

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 415 Marine Street (16ADM-0005).

Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 415 Marine Street. The subject property is developed with a single-family residential building located in the OP-2 zoning district. The applicant proposes to reoccupy the property as a single family residence after the withdrawal of the residence from the rental market, pursuant to the Ellis Act. According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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 current owner of the single-family residential building located at 415 Marine Street purchased the site on March 16, 2015. On September 17, 2015, the owner filed an Ellis notice of intent to withdraw from the rental market with the Board. The property was withdrawn from Rent Control on January 15, 2016, 120 days after filing in compliance with Rent Control law. Rent Control Board staff verified that the property was vacant prior

to Rent Control Board certification of the withdrawal on October 21, 2015 and November 16, 2015.

Pursuant to SMMC Section 4.32.130(c)(1), no more than one unit on the property will be occupied by owners of the property. In such situation, other units on the property may be occupied, provided such occupants do not have any ownership interest in the property and do not pay rent as defined in Section 1801(f) of the City Charter. 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 16ADM-0005 at 415 Marine Street conforms to the provisions of the Government Code and local ordinance.

The determination granting Occupancy Permit 16ADM-0005 was issued on June 23, 2016. 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.

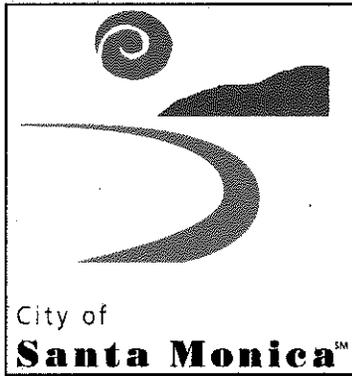
According to Section 4.32.130(c)(4) SMMC, the decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.37.130. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

Prepared by: Michael Rocque, 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. 16ADM-0005
Address:	415 Marine Street
Zoning:	OP-2
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to reoccupy an existing single family residence 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:	Jay Boberg
Rent Control Status:	The property was withdrawn from Rent Control. 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 proposes to reoccupy an existing single family residence in accordance with the Ellis Act. The Rent Control Board staff has verified that the property is vacant. Subsequent to approval of the Occupancy Permit, building permits will be secured for interior and exterior modifications.

Determination

Pursuant to Santa Monica Municipal Code (SMMC) Section 4.32.130(c)(1), the Planning Director finds that no more than one unit on the property will be occupied by owners of the property. In such situation, other units on the property may be occupied, provided such occupants do not have any ownership interest in the property and do not pay rent as defined in Section 1801(f) of the City Charter.

The application for Occupancy Permit No. 16ADM-0005 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. 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>Jing Yeo</u> Date: <u>6/23/16</u> Jing Yeo, Zoning Administrator</p> <p>Case Planner: Michael Rocque, Associate Planner</p>

EFFECTIVE DATE OF ACTION: 7/8/16.

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

F:\CityPlanning\Share\Templates\Determinations\ Permit Determination Template.doc

ATTACHMENT B
OCCUPANCY PERMIT APPLICATION

SANTA MONICA RENT CONTROL BOARD MEMO

Date: May 9, 2016
TO: Michael Roque, Associate Planner
FROM: Hakhamanesh Mortezaie, Staff Attorney
RE: 415 Marine Street
Occupancy Permit Application 16ADM-0005

Attached is the original application with Board sign-off certifying compliance with state and Board requirements for withdrawal of units in the subject property from the residential rental market.

415 Marine Street is a three-unit property that was withdrawn from the rental market under the Ellis Act on September 17, 2015; the units were vacant when withdrawn. The occupancy permit application states that the property will be occupied by the owner, and will not be rented. The Board investigator visited the site on October 21, 2015 and November 16, 2015. His report confirms that the units on the property appear to be vacant, except for sparse furnishings in the front unit, which the owner reported as his personal property.

cc: Ellis File
Site File

RECORDING REQUESTED BY:
Progressive Title Company.

Progressive

WHEN RECORDED MAIL DOCUMENT AND
TAX STATEMENT TO:

Jay R. Bobery
15332 Antioch Street #336
Pacific Palisades, CA 90272



2

APN: 4287-027-025
TITLE ORDER NO.: PR1510588
ESCROW NO.: 6038-SL

THIS SPACE FOR RECORDER'S USE ONLY

GRANT DEED

\$2,528.90 (80) & \$6,897.00 (68)

The undersigned Grantor(s) declare(s) that the DOCUMENTARY TRANSFER TAX IS: ~~\$2,528.90~~ County
 computed on the full value of the interest of property conveyed, or
 computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.
 OR transfer is EXEMPT from tax for the following reason:

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, David Leigh Weir and Robin Gilliland Weir, as Trustees of the LN Revocable Trust dated December 3, 2009, who erroneously took title as **
"the LN Revocable Trust Dated 12/2/19"
HEREBY GRANT(S) to Jay R. Bobery, an Unmarried Man

All that real property situated in the City of Santa Monica, County of Los Angeles, State of California, described as:
The Southwesterly 10 feet of Lot 25 and the Northeasterly 30 feet of Lot 26 in Block "M" of the Santa Fe Tract, in the City of Santa Monica, County of Los Angeles, State of California, as per map recorded in Book 18, Pages 17 of Miscellaneous Records, in the office of the County Recorder of said County.

Commonly Known As: 415 Marine Street, Santa Monica, CA 90405

Dated: March 16, 2015

A notary public officer or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document

STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

On March 27, 2015, before me,
Suzanne Lawrence, a Notary Public
personally appeared David Leigh Weir
and Robin Gilliland Weir

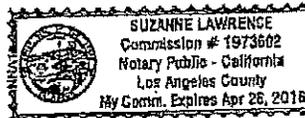
LN Revocable Trust dated December 3, 2009

By: David Leigh Weir
David Leigh Weir, Trustee

By: Robin Gilliland Weir
Robin Gilliland Weir, Trustee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on this instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature Suzanne Lawrence

(SEAL)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

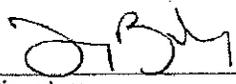
500-600-1800

211

PART 5 CERTIFICATION

OWNER:

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



Owner's Signature

1/11/16

Date

N4205753

Driver's License Number and State of Issuance

3/12/20

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

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 1 unit #
- c.) Owner's name Jay Boburg
- d.) Will any of the other units be occupied? Yes No * There are no other units
- 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:

Name N/A 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? No
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 MULTIFAMILY 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.

Name _____ Date _____

Title _____

N/A pro owner
Halkovich
5/9/16

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

A-C Unit Identification 9/17/15 Date of withdrawal

[Signature] Unit Identification Staff Attorney Date of withdrawal
[Signature] Rent Control Signature [Signature] Title 5/9/16 Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units: <u>3</u>	Number of Units at site prior to exercise of Ellis Act: <u>3</u>		
Number of Studio Units: <u>0</u>	1-BR Units: <u>0</u>		
2-BR Units: <u>0</u>	3-BR Units: <u>1</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:			
List unit size(s): <u>1 3 bd unit single family home</u>			
Number of Parking Spaces: <u>2</u>			
Existing <u>2</u>	Standard <u>2</u>	Compact <u>0</u>	Tandem <u>0</u>
Proposed <u>2</u>	Standard <u>2</u>	Compact <u>0</u>	Tandem <u>0</u>

Description of all intended on-site uses. Include description of any units to remain vacant:
purchased as single family residence - no "units" exist currently with this single family home.

If the existing structure(s) will be altered significantly, please specify proposed alterations:
Plans to add 500 approx. sq ft for additional bedroom, bath, closet
Also complete City required work in detached "office"



CITY OF SANTA MONICA
CITY PLANNING APPLICATION FORM

Effective: July 24, 2015

APPLICATION NUMBER: 16ADM0005 DATE: 1/11/16
 PROJECT ADDRESS: 415 Marine St
 INTAKE PLANNER [print name]: D. Banks

Fee on Back

APPLICATION TYPE	TOTAL FEE	OK to FILE
Administrative Approval	\$6,119.83	
Alcohol Exemption	\$1,395.00	
Appeals (Planning Permits & Noise Variance)	\$458.66	
ARB – Bldg. Color/Materials: New Construction	\$3,588.00	
Architectural Review (ARB)-Bldg. Color/Materials Alterations/Modifications	\$1,246.00	
ARB – Sign Adjustment	\$1,644.00	
ARB - Signs or Landscaping	\$1,418.00	
ARB – Staff Approval-All others	\$349.00	
ARB – Staff Approval –Single Trade Permit	Waived	
Certificate of Administrative Approval	Waived	
Certification of Appropriateness	Waived	
Certificate of Compliance	\$1,995.20	
Certificate of Economic Hardship	\$9,069.00	
Conditional Use Permit **	\$15,724.52	
Deed Restriction	\$698.00	
Demolition Permit****	\$870.29	
Development Agreement	Hourly Cost [\$292.14/hr.] with \$15,000 Initial Deposit	
Development Review **	\$19,311.54	
Environmental – Class 32 Categorical Exemption	\$15,647.99	
Environmental Noticing	\$2,356.13	
Environmental – Negative Declaration	\$27,231.39	
Environmental Impact Report - Mitigated Negative Declaration***	\$26,310.52	
Environmental Impact Report ***	25% of Consultant Contract up to \$175,000; 30% of consultant contract over \$175,000*	
Environmental-Initial Study	\$7,934.13	
Fence/Wall/Hedge Height Modification (Administrative)	\$275.03	
Fence/Wall/Hedge Height Modification (Discretionary)**	\$404.37	



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: 415 Marine Street

Land Use Element District: _____ Zoning District: _____

Legal Description (Lot, Block, Tract) _____

APPLICANT
 Name: Jay Boberg
 Address: 2612 Highland Ave. Phone: (310) 403-0075
 Email: jay.boberg@verizon.net

PROPERTY OWNER
 Name: Jay Boberg
 Address: 2612 Highland Ave. Phone: (310) 403-0075
 Email: jay.boberg@verizon.net

ATTORNEY
 Name: N/A
 Address: _____ Phone: _____
 Email: _____

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20150691528



Pages:
0002

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

06/11/16 AT 08:00AM

FEES:	32.00
TAXES:	9,425.90
OTHER:	0.00
PAID:	\$9,457.90



LEADSHEET



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00010707781



005890284

SEQ:
21

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

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