



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 2102 5th Street (16ADM-0034).

Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 2102 5th Street. The subject property is developed with a two-family residential building located in the OP-2 Ocean Park Low Density zoning district. The applicant proposes to reoccupy the property as a two-family residence with non-rent paying individuals 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 According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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

According to Rent Control Board staff, the property owner filed an application to withdraw the property from the rental market pursuant to the Ellis Act on November 17, 2015. Pursuant to Rent Control law, the property was withdrawn from Rent Control 120 days later on March 16, 2016. Rent Control Board staff verified that the rear unit on the property

was occupied by non-rent paying friend of the owner through a site visit on March 31, 2016.

Pursuant to SMMC Section 4.32.130(c)(2), the property or rental units therein is to be used for multifamily rental housing. Rent Control Board staff has certified that the owner has complied with applicable regulations promulgated by the Rent Control Board. The application for Occupancy Permit 16ADM-0034 at 2102 5th Street conforms to these regulations.

The determination granting Occupancy Permit 16ADM-0034 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.

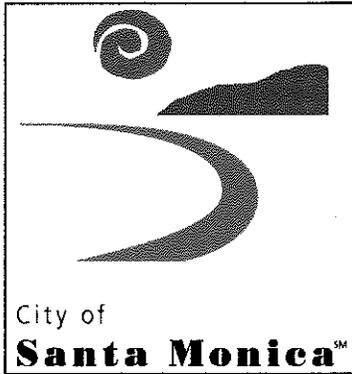
The decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.37.130. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

Prepared by: Paul Foley, Principal 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-0034

Address: 2102 5th Street (2 units)

Zoning: OP2 – Ocean Park Low Density Residential

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a two-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: Bryce Overend

Rent Control Status: The property was withdrawn from Rent Control on March 16, 2016. 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 a two-unit residential building. Both of the units will be occupied by friends of the owner who do not have an ownership interest in the property and will not pay rent.

Determination

The Planning Director finds that pursuant to SMMC Section 4.32.130(c)(2), 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 all requirements and applicable regulations promulgated by the Rent Control Board.

The application for Occupancy Permit No. 16ADM-0034 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. Both of the units will be occupied by friends of the owner who do not have any ownership interest in the property and will not pay rent. 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 any of the units are subsequently rented out, they 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 SMMC Section 9.37.120.

Determination by: <u></u> Jing Yeo, Zoning Administrator	Date: <u>6/23/16</u>
Case Planner: <i>Paul Foley, Principal Planner</i>	

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

F:\CityPlanning\Share\Zone\OC\16ADM-0034 (2102 5th Street).doc

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)

16ADM-0034

Filing Date:

April 14, 2016

Fee: \$

2,192

Receipt#:

Received by:

[Signature]

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: 2102 5th St. Santa Monica CA 90405

Land Use Element District: _____ Zoning District: _____

Legal Description (Lot, Block, Tract) Lot 6, Block A, Ocean Spray Tract

APPLICANT Name: Bryce Overend

Address: 3727 Coolidge Ave LA Phone: (562) 884-6233

Email: nick@cepincinet

PROPERTY OWNER Name: 2102 5th, LP

Address: 3727 Coolidge Ave. LA Phone: (424) 332-5027

Email: _____

ATTORNEY Name: _____

Address: _____ Phone: _____

Email: _____

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

2102, 2102 1/2
Unit identification

3/16/16
Date of withdrawal

[Signature]
Rent Control Signature

Staff Attorney
Title

4/20/16
Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units: <u>2</u>	Number of Units at site prior to exercise of Ellis Act: <u>2</u>
Number of Studio Units:	1-BR Units: <u>1</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:	
List unit size(s): <u>900 ; 500 sq ft</u>	
Number of Parking Spaces: <u>3</u>	
Existing <u>3</u>	Standard <input checked="" type="checkbox"/> Compact Tandem
Proposed	Standard Compact Tandem

Description of all intended on-site uses. Include description of any units to remain vacant:

Front unit will be occupied by Ben Ergun, back unit will be occupied by Adam Stubb

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

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:

Name	Unit No.
Ben Egan	2102 1/2
Adam Shebib	2102

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 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.

Name	Date
Title	<div style="text-align: right;"> <i>N/a -</i> 4/20/16 </div>

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

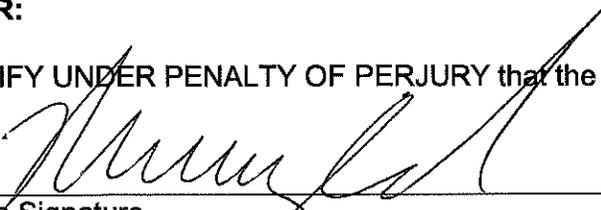
Please provide the Tentative Tract Map (TTM) or Parcel Map number and the date of its approval:
Date of Approval _____ TTM No. or Parcel Map No. _____

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.



Owner's Signature

4/13/16
Date

D7496534

Driver's License Number and State of Issuance

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

4/13/16
Date



Occupant's Signature

4/13/16
Date

Occupant's Signature

Date

Occupant's Signature

Date

Occupant's Signature

Date

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20150997230



Pages:
0006

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

08/14/15 AT 08:00AM

FEES:	34.00
TAXES:	6,252.50
OTHER:	0.00
PAID:	6,286.50



LEADSHEET



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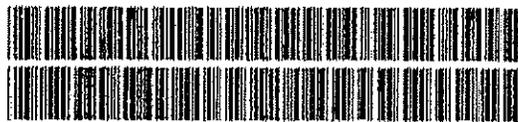
00011000891



007021487

SEQ:
01

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

R09

2

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

2102 5th L.P.
3727 Coolidge Ave.
L.A. Ca 90066



Grant Deed

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CRTE
RECORDING REQUESTED BY:
Old Republic Title Company

AND WHEN RECORDED MAIL TO:

2102 5th, LP, a Delaware Limited Partnership
3727 Coolidge Ave.
Los Angeles, CA 90066

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 2807146541-10
AP#: 4289-010-006

Escrow No.: 121795-JI

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$1,677.50 CITY TRANSFER TAX \$4,575.00

[X] computed on full value of property conveyed, or

[] computed on full value less value of liens or encumbrances remaining at time of sale.

[] Unincorporated area [X] City of Santa Monica AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Adam R. Foster, a Single Man

hereby GRANT(s) to:

2102 5th, LP, a Delaware Limited Partnership

the real property in the City of Santa Monica, County of Los Angeles, State of California, described as:
Lot 6 in Block "A" of Ocean Spray Tract, in the City of Santa Monica, County of Los Angeles, State of California, as
per Map recorded in Book 19, Page 82 of Maps, in the Office of the County Recorder of said County.

Also Known as: 2102 5th Street, Santa Monica, CA 90405

See exhibit
A

Dated May 18, 2015

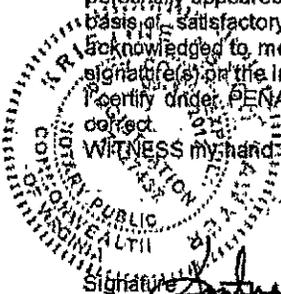

Adam R. Foster

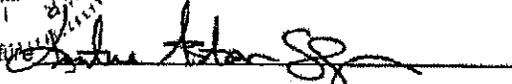
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, Virginia
COUNTY OF Arlington

On June 3, 2015 before me, Kristine Aston Sawyer A Notary Public
personally appeared Adam Rockwood Foster aka ADAM R. FOSTER (YS) 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 the 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  (Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS SHOWN ABOVE:

my commission expires 6/3/16

1A

Escrow No.: 121795-JJ
Date: May 18, 2015

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**"EXHIBIT A"
LEGAL DESCRIPTION**

Lot 6 in Block "A" of Ocean Spray Tract, in the City of Santa Monica, County of Los Angeles, State of California, as per Map recorded in Book 19, Page 82 of Maps, in the Office of the County Recorder of said County.

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Escrow No.: 121795-JI
Date: May 18, 2015

"EXHIBIT A"
LEGAL DESCRIPTION

Lot 6 in Block "A" of Ocean Spray Tract, in the City of Santa Monica, County of Los Angeles, State of California, as per Map recorded in Book 19, Page 82 of Maps, in the Office of the County Recorder of said County.

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GOVERNMENT CODE 27061.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary : _____

Notary Identification Number : _____

Vender Identification Number : _____

County Where Bond Is Filed : _____

Date Commission Exp : _____

Place of Execution : _____

SPL, Inc. as agent

DATE: / /

Signature

State of California)
 County of _____)

On _____ before me, _____ personally appeared, _____ who proved to me 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 the 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

I CERTIFY UNDER PENALTY OF PERJURY THAT THIS MATERIAL IS A TRUE COPY OF THE ORIGINAL MATERIAL CONTAINED IN THE DOCUMENT:

Place of Execution : Norwalk

SPL, Inc. as agent

DATE: 8 / 14 / 15


 Signature