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# Information Item

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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 1057 17<sup>th</sup> Street (16ADM-0046).

## **Introduction**

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 1057 17<sup>th</sup> Street. The subject property is developed with a two-family residential building located in the R2 Low Density Residential zoning district. The applicant proposes to reoccupy one unit (front) of the property and return the second unit (rear) to the rental market 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 According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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According to Rent Control Board staff, the property was withdrawn from the rental market on June 23, 2015 with the front unit owner-occupied and the rear unit vacant with the intention of re-developing the site. The owners have re-considered their plans and the required Notice of Intent to re-rent was filed with the Rent Control Board on May 10, 2016.

When the property was removed from the rental market on June 23, 2015, only the owner occupied the property. According to the Rent Control Board staff, since no tenants were displaced, there are no restrictions on rent.

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 Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated the Rent Control Board. The application for Occupancy Permit 16ADM-0046 at 1057 17<sup>th</sup> Street conforms to these regulations.

The determination granting Occupancy Permit 16ADM-0046 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.

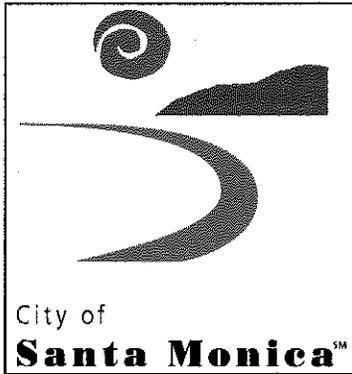
The decision approving this Occupancy Permit may be appealed to the Planning Commission in accordance with the provisions in SMMC Section 9.37.130. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

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-0046

Address: 1057 17<sup>th</sup> Street (2 units)

Zoning: R2 Low Density Residential

General Plan: Low Density Housing

Proposed Use: The applicant proposes to reoccupy a two-unit residential building with owner-occupancy in one unit 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: Kelly K. Wong

Rent Control Status: The property was withdrawn from Rent Control on June 23, 2015. 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. One of the two units (Front) will be owner-occupied and the other unit (Rear) will be rented. The Notice of Intent to re-rent was filed with the Rent Control Board on May 10, 2016. When the property was removed from the rental market on June 23, 2015, only the owner occupied the property. According to the Rent Control Board staff, since no tenants were displaced, there are no restrictions on rent.

**Determination**

The Planning Director finds that the property or rental units therein is to be used for multi-family rental housing, with owner-occupancy in one unit. 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. 16ADM-0046 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. One of the two units will be owner-occupied and the other unit will be rented. The rented unit shall comply with the provisions of 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.

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

EFFECTIVE DATE OF ACTION: 7/8/16

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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

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ATTACHMENT B  
OCCUPANCY PERMIT APPLICATION

SANTA MONICA RENT CONTROL BOARD MEMO

Date: May 17, 2016  
TO: Paul Foley, Principal Planner  
FROM: Hakhamanesh Mortezaie, Staff Attorney  
RE: 1057 17<sup>th</sup> Street  
Occupancy Permit Application 16ADM-0046

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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.

1057 17<sup>th</sup> Street is a two-unit property that was withdrawn from the rental market under the Ellis Act on June 23, 2015. The property was owner-occupied and had no tenants when it was withdrawn by the owners for redevelopment. The owners have reconsidered their plans and are now bringing the property back to the rental market. They have filed the required notice of intention to re-rent, which the Board received on May 10, 2016. Because no tenants were displaced in the property's removal under the Ellis Act, there are no restrictions on the rent of either unit; nor are the owners liable for damages for bringing the property back to the rental market less than two years after its withdrawal under Ellis Act.

cc: Ellis File  
Site File



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)  
16APM-0046

Filing Date: May 10, 2016  
 Fee: \$ \_\_\_\_\_  
 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: 1057 217th STREET  
1057 1/2  
 Land Use Element District: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Legal Description (Lot, Block, Tract) Tract No. 5804 SE 20.33 OF LOT 1 &  
NW 21.67 FT OF LOT 2

**APPLICANT**

Name: KELLY K & ELAINE WONG  
 Address: 910-B 20th STREET Phone: (818) 388-2228  
 Email: ELAINECWONG@Yahoo.com

**PROPERTY OWNER**

Name: KELLY K & ELAINE WONG  
 Address: 910-B 20th STREET Phone: (818) 388-2228  
 Email: ELAINECWONG@Yahoo.com

**ATTORNEY**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

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

|  |  |                               |
|--|--|-------------------------------|
| <u>1057, 1057 1/2</u><br>Unit identification | <u>June 23, 2015</u><br>Date of withdrawal |                               |
| <u>[Signature]</u><br>Rent Control Signature | <u>Staff Attorney</u><br>Title             | <u>5/17/16</u><br>Date Signed |

**PART 3 SITE CHARACTERISTICS**

|   |   |         |        |
|---|---|---------|--------|
| Number of Existing Units: <u>2</u>  | Number of Units at site prior to exercise of Ellis Act: |         |        |
| Number of Studio Units:   | 1-BR Units: <u>1 (1057)</u>                             |         |        |
| 2-BR Units: <u>1 (1057 1/2)</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>1057 1/2 (890ft<sup>2</sup>) 1057 (530ft<sup>2</sup>)</u> |   |         |        |
| Number of Parking Spaces: <u>2</u>  |   |         |        |
| Existing <input checked="" type="checkbox"/>                                    | 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:  
WAS PLANNING TO RE-BUILD, COST EXCEED ANTICIPATION

If the existing structure(s) will be altered significantly, please specify proposed alterations:  
NO CHANGE

## PART 4 INTENDED OCCUPANCY CHARACTERISTICS

~~Not 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 FRONT unit # (1057)
- c.) Owner's name KELLY K. WANG
- 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.        |
|--|-----------------|
| <u>PLAN TO RENT OUT BACK UNIT (1057 1/2)</u> | <u>1057 1/2</u> |
|  |                 |
|  |                 |
|  |                 |

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.

*Kelly Wm*  
Owner's Signature

5/10/16  
Date

MO 373745  
Driver's License Number and State of Issuance

3/23/18  
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.

*Kelly Wm*  
Occupant's Signature

5/10/16  
Date

\_\_\_\_\_  
Occupant's Signature

\_\_\_\_\_  
Date

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

Consumer's Title Company

RECORDING REQUESTED BY:  
All Valley Escrow, Inc.  
Order No. 13-10448  
Escrow No. 1-49204TP  
Parcel No. 4277-027-031



2

AND WHEN RECORDED MAIL TO:

KELLY K. WONG  
910 20<sup>TH</sup> STREET #B  
SANTA MONICA, CA 90403

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$NONE

- Computed on the consideration or value of property conveyed; OR
- Computed on the consideration or value less liens or encumbrances remaining at the time of sale.

**INTERSPOUSAL TRANSFER GRANT DEED**

(Excluded from reappraisal under California Constitution Article 13 A Section 1 et seq.)

This is an Interspousal Transfer and not a change in ownership under §63 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion from reappraisal:

Other: \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Kelly K. Wong (who acquired title as Kelly King-Chum Wong) and Elaine Wong, Husband and Wife as Joint Tenants

hereby GRANTS to Kelly K. Wong and Elaine Wong, Husband and Wife as Joint Tenants

the real property in the City of Santa Monica County of Los Angeles, State of California, described as:

See Exhibit "A" attached hereto and made a part hereof.

Dated May 22, 2013

[Signature]  
Kelly K. Wong

[Signature]  
Elaine Wong

This conveyance confirms a change of name, and the grantor and grantee are the same party, R & T 11911\*

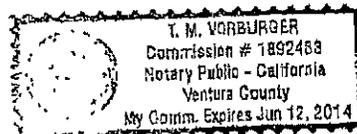
STATE OF CALIFORNIA  
COUNTY OF Ventura, s.s.

On 5/23/13, before me, T. M. VORBURGER,  
a notary public in and for said State, personally appeared Kelly K. Wong and Elaine Wong  
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 [Signature] (Seal)



Mail Tax Statements to Return Address Above

11C

EXHIBIT "A"

13-10448

The Southeast 20.33 feet of Lot 1 and the Northwest 21.67 feet of Lot 2 of Tract No. 5804, in the City of Santa Monica, County of Los Angeles, State of California, as per map recorded in Book 79 Page(s) 46 of Maps, in the office of the County Recorder of said county.