City of
Santa Monica®

Information Item

Date: October 26, 2016

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 852 11th Street (16ADM-0083).

Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 852 11th Street. The subject property is developed with a five-unit residential building located in the R2 Low Density Residential zoning district. The applicant proposes to return all five units to the rental market after the withdrawal of the property 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 According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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According to Rent Control Board staff, the front unit and Units A & B were withdrawn from the rental market on July 31, 2010 and Units C & D were withdrawn on April 2, 2011. When the property was removed from the rental market in 2011, the owner indicated the property was to be used residentially by himself and family members. An Occupancy Permit (11OC-006) was approved in May 2011 for the re-occupancy by the owner, who

had owned the property since 1981, and non-rent paying family members who have no ownership interest in the property. On two occasions, the Rent Board inspector visited the site (8/26/10 and 4/5/11). It appeared the front unit and Unit B were furnished. The investigator was unable to obtain any evidence that any of the five units were rented. Rent Control staff did not visit the property after that time and assumes that the remaining three units were vacant from 2011 to 2016.

The new owner, who has no apparent relationship with the prior owner, acquired the property on April 27, 2016. The required Notice of Intent to re-rent was filed with the Rent Control Board on May 2, 2016. According to Rent Control Board regulations, since it has been more than five years since the property's withdrawal from the rental market, there are no restrictions on rent, but the property remains subject to rent control law.

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 by the Rent Control Board. The application for Occupancy Permit 16ADM-0083 at 852 11th Street conforms to these regulations.

The determination granting Occupancy Permit 16ADM-0083 was issued on October 26, 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: Gina Szilak, Associate Planner

Attachments: A. Occupancy Permit Determination
B. Occupancy Permit Application

cc: Planning Commission

ATTACHMENT A

OCCUPANCY PERMIT DETERMINATION

City of
Santa Monica℠

CITY OF SANTA MONICA
CITY PLANNING DIVISION

OCCUPANCY PERMIT DETERMINATION

Case Number:	Occupancy Permit No. 16ADM-0083
Address:	852 11th Street (5-units)
Zoning:	R2 Low Density Residential
General Plan:	Low Density Housing
Proposed Use:	The applicant proposes to return to the rental market, a five-unit residential building previously removed from Rent Control via the Ellis Act.
CEQA Status:	The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.
Applicant:	Ali Safavi
Rent Control Status:	The property was withdrawn from Rent Control on July 31, 2010 (Front unit and Units A and B) and April 2, 2011 (Units C and D). 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 to the rental market a five-unit residential building. The Notice of Intent to re-rent was filed with the Rent Control Board on May 2, 2016. According to Rent Control Board staff, when the property was removed initially from the rental market in 2011, only the owner and non-rent paying persons occupied the property. According to the Rent Control Board regulations, since it has been longer than 5 years since the building was removed from the rental market, any former tenants who wish to re-occupy their units would pay market 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-0083 is:

___ Denied

___ Subject to separate administrative or discretionary review.

_X_ 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. All five units shall be subject to Santa Monica Rent Control Laws. 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.

Determination by: _____ *Date:* 10/26/16.
Jing Yeo, Zoning Administrator

Case Planner: Gina Szilak, Associate Planner

EFFECTIVE DATE OF ACTION: 11/11/16

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

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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) 0083
16ADM 0083

Filing Date: August 23, 2016
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: 852 11th ST, SANTA MONICA, CA 90403

Land Use Element District: _____ Zoning District: _____

Legal Description (Lot, Block, Tract) _____

APPLICANT
Name: ALI SAFAVI
Address: 2118 WILSHIRE BLVD. #1113, SANTA MONICA, CA 90403 Phone: 310-694-2813
Email: 5209inc@gmail.com

PROPERTY OWNER
Name: ALI SAFAVI
Address: 2118 WILSHIRE BLVD. #1113, SANTA MONICA, CA 90403 Phone: 310-694-2813
Email: 5209inc@gmail.com

ATTORNEY
Name:
Address: Phone:
Email:

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

852 11th St, Units 852 & A, B, C, D — 8-2-2010
Unit identification — Date of withdrawal

Unit identification — Date of withdrawal

Rent Control Signature — General Counsel, Title — 8-23-16, Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units:	5	Number of Units at site prior to exercise of Ellis Act:	5
Number of Studio Units:	2	1-BR Units:	2
2-BR Units:	1	3-BR Units:	
4-BR Units:	0	5+BR Units:	
Number of Units at site to remain if intended use is approved:			
List unit size(s):			
Number of Parking Spaces:			
Existing	Standard	Compact	Tandem
Proposed	Standard	Compact	Tandem

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

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 ALI SAFAVE
   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.
TBD	

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 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.

J. Stephen Lewis — Name
8-23-16 — Date
General Counsel — Title

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:_____

$2,290.67
CITY of SANTA MONICA

PART 5 CERTIFICATION

OWNER:

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

Owner's Signature _____ Date 8/16/16

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 _____ Date _____

Occupant's Signature _____ Date _____

Occupant's Signature _____ Date _____

Occupant's Signature _____ Date _____

Occupant's Signature _____ Date _____

F:\CityPlanning\Share\Templates\Applications\Occupancy Permit Application - Ellis Act.doc
Last Modified July, 2009

RECORDING REQUESTED

ORTC

Order No. 2607147904-10
Escrow No. 61570J
Parcel No. 4281-024-012

AND WHEN RECORDED MAIL TO:

ALI SAFAVI
2118 WILSHIRE BLVD., #1113
SANTA MONICA, CA 90403

04/08/2016

20160389044

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS $-0- and CITY $-0-

- ☐ 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.
- ☐ unincorporated area: ☐ **Santa Monica** and

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

SANAM SAFAVI, Spouse of Grantee herein

hereby REMISE, RELEASE AND QUITCLAIM to

ALI SAFAVI, a Married Man as His Sole and Separate Property

the real property in the City of **Santa Monica** County of **Los Angeles**, State of California, described as:
Lot "K" in block 16 of town of Santa Monica, in the City of Santa Monica, County of Los Angeles, State of California, as per map recorded in book 3 pages 80 and 81 and in book 39 page 45 et seq., of miscellaneous records, in the Office of the County Recorder of said County.
Property Address: 852 11th Street, Santa Monica, CA 90403

"This conveyance establishes sole and separate property of a spouse, R&T 11911."
"It is the express intent of the Grantor, to convey all right, title and interest of the Grantor, community or otherwise, in and to the herein described property to the Grantee as her sole and separate property."

Dated April 6, 2016

S. Safavi

Sanam Safavi

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
COUNTY OF LOS ANGELES } S.S.

CHRIS J. KEEPERS
NOTARY PUBLIC

On APRIL 6, 2016, before me,
personally appeared SANAM SAFAVI,
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 CHRIS J. KEEPERS (Seal)
NOTARY PUBLIC

CHRIS J. KEEPERS
COMM. # 2065773
NOTARY PUBLIC CALIFORNIA
LOS ANGELES COUNTY
My comm. expires May 23, 2018

WMD2 WMD2

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