



Information Item

Date: November 29, 2016

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1807 Montana Avenue (16ADM-0108).

Introduction

Attached for Council's information is a copy of an Occupancy Permit determination for the property at 1807 Montana Avenue. The subject property is developed with an eight-unit residential building located in the R2 Low Density Residential zoning district. The applicant proposes to re-occupy one unit (Unit D) with a non-rent paying individual who has no ownership interest in the property while the remaining seven units are vacant. According to SMMC Section 4.32.130(a), no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an Occupancy Permit is obtained.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According to Rent Control Board staff, the eight units were withdrawn from the rental market on July 16, 2016. A Rent Control Board investigator visited the site on September 1, 2016 and found all units vacant with the possible exception of Unit D which had potted plants, storage and mail outside of the unit. Rent Control staff has certified that the

applicant has complied with state and Board regulations and the applicant may re-occupy Unit D with a non-rent paying individual while the remaining seven units are vacant.

Pursuant to SMMC Section 4.32.130(c)(1), no more than one unit on the property (Unit D) will be occupied by an individual who does not have any ownership interest in the property and will not pay rent as defined in Section 1801(f) of the City Charter. 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-0108 at 1807 Montana Avenue conforms to these regulations.

The determination granting Occupancy Permit 16ADM-0108 was issued on November 29, 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-0108
Address:	1807 Montana Ave. (8-units)
Zoning:	R2 – Low Density Residential
General Plan:	Low Density Residential
Proposed Use:	The applicant proposes to re-occupy one of eight units (Unit D) with a non-rent paying individual and leave the remaining seven units vacant on a residential property 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:	Montana Athene, LLC
Rent Control Status:	The property was withdrawn from Rent Control on July 12, 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 proposes to re-occupy one of eight units with a non-rent paying individual with no ownership interest in the property and leave the remaining seven units vacant on a residential property previously removed from Rent Control via the Ellis Act. A Rent Control Board investigator visited the site on September 1, 2016 and found all units vacant with the possible exception of Unit D which had potted plants, storage and mail outside of the unit. Rent Control staff has certified that the applicant has complied with state and Board regulations and the applicant may re-occupy Unit D with a non-rent paying individual while the remaining seven units are vacant.

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

SANTA MONICA RENT CONTROL BOARD MEMO

Date: November 4, 2016
TO: Paul Foley, Principal Planner
FROM: Hakhamanesh Mortezaie, Staff Attorney
RE: 1807 Montana Avenue/751 18th Street
Occupancy Permit Application 16ADM-0108

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.

1807 Montana Avenue/751 18th Street is an 8-unit property that was withdrawn from the rental market under the Ellis Act on July 12, 2016. The occupancy-permit application states that only one unit on the property, Unit D, will be occupied, and the occupant will not pay rent. The Board investigator visited the site on September 1, 2016. His report confirms that the property appeared vacant except for Unit D, which had potted plants, storage and mail outside of the unit.

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)

16 ADM - 0108

Filing Date: 10/20/16

Fee: \$ \$2290.64

Receipt#: _____

Received by: SM

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: 1807 Montana Ave. APT D, Santa Monica
CA 90403

Land Use Element District: _____ Zoning District: R2

Legal Description (Lot, Block, Tract) 4279-015-018

APPLICANT

Name: Montana Athene, LLC

Address: 1807 Montana Ave. #D Phone: 310-527-1598

Email: leasing.els@gmail.com

PROPERTY OWNER

Name: Montana Athene, LLC

Address: 1807 Montana Ave. #D Phone: 310-527-1598

Email: leasing.els@gmail.com

ATTORNEY

Name: Mr. Rosario Perry

Address: 312 PICO Blvd. SM CA Phone: 310 394 9831

Email: 90405

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

751 18th St, Units A-D and 1807 Montana (Units A-D) 7/12/16
 Unit identification Date of withdrawal

 Unit identification Date of withdrawal

[Signature] Staff Attorney 11/4/16
 Rent Control Signature Title Date Signed

PART 3 SITE CHARACTERISTICS

Number of Existing Units: <u>8</u>	Number of Units at site prior to exercise of Ellis Act: <u>8</u>
Number of Studio Units: <u>0</u>	1-BR Units: <u>7</u>
2-BR Units: <u>1</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>8 (all of them)</u>	
List unit size(s): <u>1 Bed RM are 700 sq.ft. 2 Bed RM is 1,050 sq.ft.</u>	
Number of Parking Spaces: <u>6</u>	(Approx.) (Approx.)
Existing: <u>6</u>	Standard <u>6</u> Compact Tandem
Proposed: <u>6</u>	Standard <u>No change</u> Compact Tandem

Description of all intended on-site uses. Include description of any units to remain vacant:
Unit/APT D will be occupied by Scott Seal.
All other units are vacant

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

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 D unit #
- c.) Owner's name Montana Athene, LLC
- 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>Scott Seal</u>	<u>1807 Montana Ave. #D</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? 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	

*Not applicable
Chalmer
11/4/16*

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 5 CERTIFICATION

OWNER:

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

Montana Athene, LLC 10/5/16
Owner's Signature by: Manager of LLC, Scott Seal Date

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.

Scott Seal 10/5/16
Occupant's Signature Date

Occupant's Signature Date

Occupant's Signature Date

Occupant's Signature Date

Occupant's Signature Date

This page is part of your document - DO NOT DISCARD



20100704554



Pages:
0003

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

05/24/10 AT 08:00AM

FEES:	22.00
TAXES:	NEPR
OTHER:	0.00
PAID:	NEPR



LEADSHEET



201005240300020

00002408027



002697036

SEQ:
01

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

Old Republic Title Company - LA
Commercial - Subdivision Services

RECORDING REQUESTED BY

Order No. 2607098899-10
Escrow No. 124662-024

WHEN RECORDED MAIL TAX STATEMENT
AND MAIL ORIGINAL TO:
MONTANA ATHENE, LLC
5979 West 3rd Street, Suite 202
Los Angeles, CA 90036



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SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 4279-015-018

GRANT DEED

Documentary Transfer Tax \$ SEE ATTACHED, NOT A
\$ PART OF PERMANENT RECORD

Computed on full value of property conveyed
 Or computed on full value less liens and
encumbrances remaining at time of sale.

WILSHIRE ESCROW COMPANY

By: *[Signature]*

TRANSFER TAX
NOT A PUBLIC RECORD

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Robert Vaughn Heldman, a married man as his sole and separate property
as to an undivided 50% interest and Robert V. Heldman, Trustee of the
The Lifetime Benefit Trust for Robert V. Heldman dated March 5, 1992 as
to an undivided 50% **do hereby**

GRANT to MONTANA ATHENE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

the real property in the City of SANTA MONICA, County of LOS ANGELES, State of
CALIFORNIA, described as:

PARCEL 1:

LOT 18 IN BLOCK "U" OF GILLETTE'S REGENT SQUARE, IN THE CITY OF SANTA
MONICA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED
IN BOOK 22, PAGE 79 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY.

PARCEL 2:

AN EASEMENT OF INGRESS OVER THE REAR 15 FEET OF LOT 1 IN BLOCK "U" OF
GILLETTE'S REGENT SQUARE, IN THE CITY OF SANTA MONICA, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 22, PAGE 79 OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Escrow No. 124662-024/ Grant Deed / Page One of Two (Los Angeles County)

2476010848(1)

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DATED: APRIL 20, 2010

Robert Vaughn Heldman
ROBERT VAUGHN HELDMAN

THE LIFETIME BENEFIT TRUST FOR
ROBERT V. HELDMAN DATED MARCH 5, 1992

Robert V. Heldman, Trustee
ROBERT V. HELDMAN, TRUSTEE

STATE OF CALIFORNIA)
)SS.
COUNTY OF LOS ANGELES)

On this 14th day of May, 2010, before me,
Susan M. Landau, a Notary Public
in and for said County and State, personally appeared _____
Robert Vaughn Heldman

_____ 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 Susan M Landau (Seal)

