



## Information Item

Date: October 4, 2011

To: Mayor and City Council

From: David Martin, Director of Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Property at 1337 23<sup>rd</sup> Street and 1337 ½ 23<sup>rd</sup> Street (11OC-009)

### Introduction

Attached for the Council's information is a copy of an Occupancy Permit determination for the property at 1337 23<sup>rd</sup> Street and 1337 ½ 23<sup>rd</sup> Street. The two units at this property were withdrawn from the rental market pursuant to the Ellis Act effective on September 4, 2008. Pursuant to SMMC Section 4.32.130(c)(2), an occupancy permit for residential occupancy shall be approved based on Planning Director findings that 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 the requirements set forth in Government Code Sections 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board.

The Rent Control Board 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. 11OC-009 conforms to these provisions.

The determination granting the Occupancy Permit (11OC-009) was issued on October 4, 2011. 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 9.04.20.24. Any decision of the Planning Commission may be further appealed to the City Council in accordance with the same provisions.

Prepared by: Chris Townes, Assistant Planner

cc: Planning Commission



CITY OF SANTA MONICA  
CITY PLANNING DIVISION

## OCCUPANCY PERMIT DETERMINATION

Case Number: Occupancy Permit No. 11OC-009

Address: 1337 23<sup>rd</sup> Street & 1337½ 23<sup>rd</sup> Street (two units)

Zoning: Low Density Multiple Family Residential District (R2)

General Plan: Low Density Housing

Proposed Use: The applicant proposes to return two units to the rental market in accordance with Rent Control Board regulations.

CEQA Status: The project is statutorily exempt pursuant to Section 15268 (Ministerial Projects) of the California Environmental Quality Act.

Applicant: Perry Roshan-Zamir as trustee of the PRZSP Trust dated February 13, 2006.

Rent Control Status: The two unit property was withdrawn from Rent Control on September 4, 2008. 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 the reinstatement of two units to the rental market. The subject two units were previously removed from the rental market pursuant to the Ellis Act effective September 4, 2008. On August 15, 2011, the Rent Control Board affirmed that the owner has complied with the requirements set forth in Government Code Section 7060.2 and 7060.4 and with applicable regulations promulgated by the Rent Control Board in order to offer the previously withdrawn units for rent or lease.

**Determination**

*The Planning Director finds that 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 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. 11OC-009 is:

Denied

Subject to separate administrative or discretionary review.

Granted with the following findings and 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>Amanda Schachter</u> Date: _____ Amanda Schachter, Zoning Administrator</p> <p>Case Planner: <u>Chris Townes, Assistant Planner</u></p>
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EFFECTIVE DATE OF ACTION: 10.4.11

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

Drivers License Number  
Santa Monica, California

