



# Information Item

Date: August 25, 2009

To: Mayor and City Council

From: Eileen Fogarty, Director, Planning & Community Development

Subject: Transmittal of Occupancy Permit Determination for Properties at 137 Bay Street (09OC-013) and 2405 3<sup>rd</sup> Street (09OC-016)

## Introduction & Discussion

Attached for the Council's information are copies of Occupancy Permit determinations for the properties at 137 Bay Street and 2405 3<sup>rd</sup> Street. The Rent Control Board confirmed the following dates in which the units were withdrawn from the market:

Address	Number of Units	Withdrawn From Rent Control
137 Bay Street	8 units	January 11, 2005
2405 3 <sup>rd</sup> Street	Single Family Residence	February 21, 1990

Pursuant to SMMC Section 4.32.130, no property or rental units which have been withdrawn pursuant to the Ellis Act shall be subsequently occupied unless an occupancy permit is obtained. The property owner for 137 Bay Street proposes occupancy of the 8 units for commercial purposes. The property owner for 2405 3<sup>rd</sup> Street proposes to occupy the single family dwelling as a private residence. Pursuant to SMMC Section 4.32.130(b), and occupancy permit for commercial occupancy shall be approved if the Planning Director finds that the occupancy is in conformity with the General Plan, and the occupancy is in conformity with the Comprehensive Land Use and Zoning Ordinance. Pursuant to SMMC Section 4.32.130(c)(1), an occupancy permit for residential occupancy shall be approved if the Planning Director finds that no more than one unit on the property will be occupied by owners of the property. The

applications for Occupancy Permits 09OC-013 and 09OC-016 conforms to the referenced provisions.

The determinations granting the Occupancy Permits (09OC-013 and 09OC-016) were issued on August 24, 2009. Pursuant to SMMC Section 4.32.130 (d) the Planning Director shall make a written report to the Planning Commission and the City Council within five (5) days of approving an occupancy permit.

According to SMMC Section 4.32.130(d), the decisions to approve the 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: Grace Cho, Associate Planner

cc: Planning Commission