

PLANNING DEPARTMENT

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February 23, 2007

Suzanne Scull 78 Peralta Avenue San Francisco, CA 94110

Re: Request for Letter of Determination

78 Peralta Street

Block/Lot: 5513/011A Zoning: RH-2

Dear Ms. Scull,

I apologize for the delay in responding to your letter of August 30, 2006. However, your letter raised significant legal issues concerning variances and the requirement under Federal and State law to make reasonable modifications to the City's zoning laws when requested to do so by a person with a disability. Therefore, I needed to consult with the City Attorney's Office before issuing my decision.

You applied for and received Variance No. 98.567V to waive the parking requirement at 78 Peralta. Because this variance was granted on the basis of your disability (chemical sensitivity), it was limited to your occupancy. Although variances normally run with the property, a variance lawfully may be made specific to an individual when granted as a reasonable accommodation under Federal and State disabilities law. Once the person with a disability no longer lives in the property, the basis for the variance is no longer present.

You may apply for a full variance, or a variance to allow parking in the front setback and if the requirements of the variance are met, it will be granted; however, at this time we do not believe removal of the condition related to you is justified absent another variance application.

If anyone has substantial reason to believe that there is an error in the interpretation of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, this determination may be appealed to the Board of Appeals within fifteen (15) days from the date of this letter. For further information regarding the appeals process, please contact the Board of Appeals, 1660 Mission Street, Room 3036, San Francisco, or by telephone at (415) 575.6880.

Sincerely,

Lawrence B. Badiner Zoning Administrator

Cc: Julian Banales – SE Team Leader

Kimberly Durandet - Planner Kate Stacey - City Attorney

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