



PLANNING DEPARTMENT

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February 27, 2007

Ms. Michael Anderson
1315 Laguna Street – Apt. 5
San Francisco, CA 94115

**Re: Request for Letter of Determination
79 Putnam Street
Block/Lot: 5688/023
Zoning: RH-1**

Dear Ms. Anderson,

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.

It's my understanding that you are requesting two items:

1. Allowing the elimination of the existing parking space without a variance process or hearing.
2. Modification of the requirements in the rooms down to allow a greater separation and additional cooking facilities than would normally be allowed.

At the present time, the only way to eliminate a Code-required parking space is through the variance process. The Department can review your request for a more constrained opening between the two areas and additional cooking facilities without needing to go through the variance process. You may request the Department's review before filing a building permit application by requesting a pre-application review and paying the fee in Planning Code Section 351(f), which is \$200 for the first two hours of staff time and time and materials after that.

In filing the variance application, you may request that I consider the elimination of the parking space as a request for reasonable modification of the City's zoning laws under Federal and State disabilities laws. I will expedite the hearing and decision process. Any variance granted on the basis of disability will be limited to the specific individual needing the accommodation. Once that person no longer lives in the property, the basis for the variance is no longer present and the property must be returned to a Code-complying condition or a new application must be requested.

You have estimated the cost of the variance to be \$18,000 but I think that estimate is way too high. The application cost is:

- \$693 for construction cost of \$9,999 or less,
- \$1,528 for construction cost of \$10,000 to \$19,999 and
- \$3,038 if the construction cost is \$20,000 or more.

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In addition, Planning code Section 350(e) allows an exemption from paying the full fee where paying the fee would affect the applicant's "ability to pay for the necessities of life."

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: Kate Stacey – City Attorney
Julian Banales – SE Team Leader