SAN FRANCISCO
PLANNING DEPARTMENT

Letter of Determination

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

September 19, 2008

Gary S. Varum, S.E.
Telesis Engineers
480 Arlington Avenue
Berkeley, CA 94707

RE: 370 Fillmore Street
Block: 0849 Lot: 036

Dear Mr. Varum:

This letter is in response to your request for a zoning letter of determination for the property at 370 Fillmore Street. This parcel is located in an RM-1 District (Mixed, Low Density) with a 40-X height and bulk limitation. The request is whether a senior unit can be created at the ground floor of the existing three-family dwelling pursuant to Section 209.1(m) of the Planning Code.

In 1989, an interpretation of Planning Code Section 209.1(m) addressed your request. The Zoning Administrator made the interpretation to ensure the Planning Code was consistent with State law and decisions of the California Supreme Court. The Court found that entire buildings must be age restricted in order to prevent discrimination. In other words, a senior unit may not be established on the property unless all units on the property are restricted to seniors through all necessary entitlements and restrictions. A copy of the interpretation has been enclosed for your reference.

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning administrator, an appeal may be filed with the Board of Permit Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Permit Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

Encl: Planning Code Interpretation 209.1(m), 08/89

cc: Sara Vellve, Planner

N:\ZA\DETERMIN\2008\370 Fillmore St.