



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

February 29, 2016

Sue Hestor
870 Market Street, Suite 1128
San Francisco, CA 94102

Site Address: 1095 Market Street
Assessor's Block/Lot: 3703/059
Zoning District: C-3-G
Staff Contact: Corey A. Teague, (415) 575-9081 or corey.teague@sfgov.org
Record No.: 2015-018012ZAD

Dear Ms. Hestor:

This letter is in response to your request for a Letter of Determination regarding the distinction, if any, in how the Planning Code defines and regulates hotels and hostels. Specifically, you request a determination as to whether the Planning Code distinguishes between guest rooms and guest beds in relation to the project at 1095 Market Street.

The subject property is within the C-3-G Zoning District, which requires a Conditional Use Authorization for any new or significantly expanding hotel use. A hostel is not defined as a distinct use in the Planning Code, rather it is considered to be a hotel use. On October 12, 2010, the Planning Commission granted a Conditional Use Authorization (Case No. 2009.1100C - Motion No. 18199) to convert the subject building to a hotel/hostel with up to 94 guest rooms and associated restaurant, bar, and nightclub uses. As noted in the market demand study submitted with the application, the project proposed up to 484 beds. On November 21, 2013, the Planning Commission granted a three year extension of the performance period for the project (Case No. 2013.1285C - Motion No. 19027). While the number of proposed guest rooms was called out in each motion as part of the project description, the Planning Commission did not place any conditions on the approval related to the overall number of guest rooms.

Your letter references multiple areas of the Planning Code that use the number of hotel rooms as a trigger or limit for hotel uses, and requests a determination as to whether hotel beds may be substituted for hotel rooms in Planning Code requirements. Any Planning Code trigger or limit based on the number of hotel rooms cannot be substituted with beds. However, the C-3-G Zoning District includes no limit on the number of hotel/hostel rooms permitted, nor do a specific number of rooms trigger any additional land use authorizations. Additionally, the specific Planning Commission review criteria for hotels under Planning Code Section 303(g) do not include any criteria or other guidance related to the number of rooms provided.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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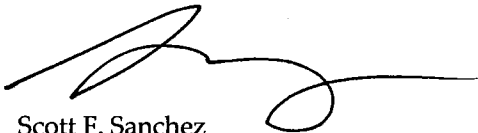
On September 11, 2014, the Project Sponsor submitted Building Permit Application No. 201409116118 for an updated proposal which included 203 guest rooms with 239 beds. The Planning Department initially approved the subject permit on June 22, 2015. The Planning Department approved a subsequent revision of the same permit on November 13, 2015. This permit was issued by the Department of Building Inspection on November 17, 2015.

In reviewing this permit, the Zoning Administrator only had to determine if the scope of work under this permit was in "general conformity" with the Conditional Use Authorization (Motion Nos. 18199 & 19027). The Zoning Administrator determined, and verifies such determination by this letter, that the updated scope of work under Building Permit Application No. 201409116118 was in general conformity with the original Conditional Use Authorization because 1) the Conditional Use Authorization was required for the hotel use itself, and neither the Planning Code nor the Planning Commission approval provided conditions related to the total number of rooms, 2) the updated scope of work continued to fall under the land use definition of a hotel, 3) there was no increase in gross floor area of the subject building or the floor area ratio on the subject property (i.e. no physical expansion of the project), 4) there was no significant increase in guest occupancy (in fact, the number of beds was reduced from 484 to 239), and 5) the updated scope of work met all other conditions of approval and applicable Planning Code requirements.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: 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 Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Corey A. Teague, Assistant Zoning Administrator
Carly Grob, Planner
Ian Lewis
Cynthia Gomez
Neighborhood Groups