



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

February 6, 2017

Mr. John Kevlin
Reuben, Junius & Rose LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Site Address:	167 Powell Street
Assessor's Block/Lot:	0326/001
Zoning District:	C-3-R (Commercial: Downtown Retail)
Staff Contact:	Nicholas Foster, (415) 575-6167 or nicholas.foster@sfgov.org
Record No.:	2017-000307ZAD

Dear Mr. Kevlin:

This letter is in response to your request for a Letter of Determination regarding the property ("Property") at 167 Powell Street. The Property is located in the C-3-R (Commercial: Downtown Retail) Zoning District and 80/130-F Height and Bulk Districts. The Property is improved with a three-story commercial building constructed in 1907. Your letter requested confirmation that the top two floors of the Property do not contain Residential Units or Unauthorized Units as defined and regulated in Planning Code Section 317.

After reviewing the available building permit history for the Property, there is no evidence demonstrating that building permits have ever been approved or issued to legally establish and maintain a Residential Units at the Property. While records indicate that an unpermitted Hotel Use existed at the Property from approximately 1914 through 1960, no Permit of Occupancy or change of use from Office Use to Hotel Use was ever approved by the City. Moreover, while several building permits (as recent as 2015) list both Retail Sales and Service Uses and Hotel and/or Residential Hotel Uses as the existing uses of the Property, those building permits appear to erroneously reference a change of use to Hotel Use and/or Residential Hotel Use that was never legally established by the City. The Department of Building Inspection's Report of Residential Building Record (3-R) shows no record of any Residential Units. Further, a review of records at the Rent Stabilization and Arbitration Board did not yield any evidence of Residential Units or Unauthorized Units at the Property.

In conclusion, the Planning Department has not found any permit records that authorize Residential Units at the Property. Further, the Planning Department has not found any evidence of Unauthorized Units at the Property. Given the available information, it is my determination that the Property does not contain Residential Units or Unauthorized Units as defined and regulated in Planning Code Section 317.

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

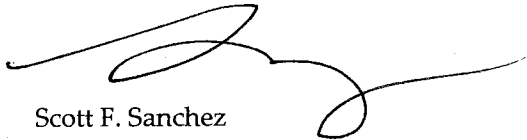
Mr. John Kevlin
One Bush Street, Suite 600
San Francisco, CA 94104

February 6, 2017
Letter of Determination
167 Powell Street

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: Nicholas Foster, Planner
Property Owner
Neighborhood Groups
BBN Requestor (if any)