



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

July 1, 2008

James Reuben
Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco CA 94104

**RE: One Nob Hill
The Mark Hopkins Hotel – Landmark # 184
Block: 0255 Lot: 002**

Dear Mr. Reuben:

This is in response to your letter dated June 2, 2008 requesting a letter of determination from the Zoning Administrator. You have asked for confirmation that based on the current zoning and FAR limits in place at this time, One Nob Hill ("Property") can be subdivided into two parcels, which would be subject to recordation of an NSR that restricts the development potential of the newly created approximately 19,570-sq.ft. lot to no more than 35,120 gross sq.ft. of development that is subject to FAR limits under Section 124.

Property Description

According to your letter the subject Property consists of a single 56,719-sq.ft. parcel located along three street frontages. The property is a rectangular-shaped lot with 206'-3" frontage along California Street (to the North), 275' frontage along Mason Street (to the West), and 206'-3" frontage along Pine Street (to the South). The northern, approximately 37,149-sq.ft., portion of the Property is currently improved with the 18-story Mark Hopkins Hotel ("Northern Hotel Lot"). The southern, approximately 19,570-sq.ft., portion of the Property is partly vacant and partly occupied by the non-historic Annex building ("Southern Annex Lot"). The Property is located in the RM-4 Zoning District. The basic FAR limit for the Property is 4.8: 1; however, as the Property is also a corner lot pursuant to Section 102.15, it is eligible for two corner lot premiums under Section 125(a), thereby increasing the maximum FAR. In this case the corner lot premiums result in an effective FAR limit of 5.46: 1.

Discussion

The owner is proposing to split the existing Property into two legal parcels subject to recordation of a Notice of Special Restrictions ("Project"). The Project does not involve any intensification or expansion of the Hotel building. With the Project, the 274,631-sq.ft. Hotel would be located on the Northern Hotel Lot which after the lot split would have a maximum GFA of 197,065 sq.ft. Thus, the Project would cause the Northern Hotel Lot to exceed the maximum GFA by 77,566 sq.ft. Under these circumstances, pursuant to Section 173(b), a lot split would be prohibited in the absence of any further action. The owner proposes

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further action whereby a Notice of Special Restrictions ("NSR") be recorded against the Southern Annex Lot that would restrict the development potential of the newly created Southern Annex Lot by the 77,566-sq.ft. excess in gross floor area created by the Project for the Northern Hotel Lot. With the recordation of an NSR, the combined development potential of the two legal parcels would be no greater than the development potential of the existing single parcel.

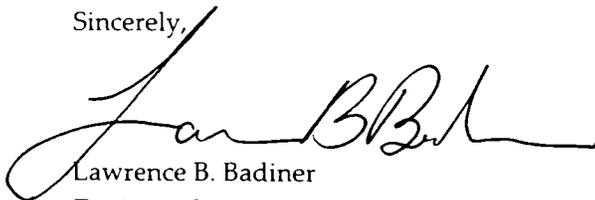
Determination

Based on the above, and pursuant to the provisions of the Planning Code Section 307(a), I make the following determinations:

- The Mark Hopkins hotel is City Landmark #184. In addition, the granite wall surrounding the perimeter, known as the Stanford Wall, is listed on the California Register.
- The lot may be subdivided provided that recordation of an NSR that restricts the development potential of the newly created approximately 19,570-sq.ft. Southern Annex Lot to no more than 35,120 gross sq.ft. of development that is subject to FAR limits under Section 12. The subsequent development shall be treated as a "development lot" pursuant to Planning Code Section 102.14.
- While it is feasible to subdivide the lot, City Landmark status assigned to the block and lot cannot be altered and any potential development at the Southern Annex Lot must obtain a Certificate of Appropriateness for work at the site that meets the definition requiring Landmarks Preservation Advisory Board review and approval as outlined in Sec. 1006 of the Planning Code.
- The development potential for the Southern Annex Lot shall also be required to respect the character-defining features of the Mark Hopkins Hotel and the Stanford Wall. Any potential development shall respect the elevation of the Mark Hopkins Hotel that abuts the Southern Annex Lot and shall not block, obscure, or substantially alter the visual perspectives of the subject building when viewed from the public rights-of-way.

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 1660 Mission Street, Room 3036, San Francisco, or call (415) 575-6880.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

cc: Tim Frye, Neighborhood Planning