



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

December 11, 2017

David H. Blackwell  
Allen Matkins Leck Gamble Mallory & Natsis, LLP  
Three Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, CA 94111-4074

**Site Address:** 150-301 Executive Park Boulevard (Candlestick Cove)  
**Assessor's Block/Lot:** 4991/625,632,633  
**Zoning District:** C-2 (Community Business)  
165-I/200-I Height and Bulk  
**Staff Contact:** Ella Samonsky, (415) 575 -9112 or [ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
**Record Number:** 2017-011775ZAD

Dear Mr. Blackwell:

This letter is in response to your request for a Letter of Determination regarding three parcels - Lots 625, 632 and 633 in Block 4991 (aka 150-301 Executive Park Boulevard). These parcels are located in the C-2 (Community Business) Zoning District and 165-I and 200-I Height and Bulk Districts. The request is for confirmation that Planning Code Section 415.3(c) applies to the property and that the affordable housing in-lieu fee for the entitled development project will be based on percentages in affect at the time of the Property's first discretionary development entitlement.

Planning Code Section 415 sets forth the requirements and procedures for the City's Inclusionary Affordable Housing Program. Planning Code Section 415.3 (c) states that " *the new inclusionary affordable housing requirements contained in Sections [415.5](#), [415.6](#), and [415.7](#), as well as the provisions contained in Section 415.3(b), shall not apply to ... (3) any housing development project that has procured a final first discretionary development entitlement approval, which shall mean approval following any administrative appeal to the relevant City board, on or before January 12, 2016. The inclusionary housing requirements for these projects shall be those requirements contained in the projects' existing approvals.*"

On June 16, 2005, the Planning Commission approved the subject parcels first entitlement, a Conditional Use Authorization (Case No. 2003.1113CMK, Motion No. 17037) for a Planned Unit Development for up to 450 dwelling units, in three mid-rise podium buildings and 150 townhomes. This entitlement remains valid because building permits to grade the site and to construct 110 dwelling units, Building Permit Application Nos. 200604249742 and 200708291216 respectively, were issued and construction completed. Therefore Planning Code Section 415.3(c) applies to the property for any permit to construct the project authorized by Motion No. 17037.

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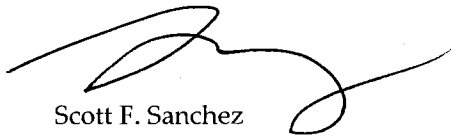
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Condition 5 of Planning Commission Motion No. 17037 requires that *“the project shall comply with the inclusionary housing requirements set forth in Section 315 through 315.9 of the Planning Code. ... If the Applicant chooses to pay a fee in-lieu of providing units, the Applicant shall comply with the requirements of Section 315.6.”* Pursuant to former Planning Code Section 315.6 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 17%.

**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: Property Owner  
Neighborhood Groups  
Ella Samonsky, Planner