



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

June 13, 2017

Charles Olson
Lubin, Olson & Niewiadomski, LLP
600 Montgomery Street, 14th Floor
San Francisco, CA 94111
colsen@lubinolsen.com

Name:	Pier 70 Historic Buildings
Site Address:	400-600 20th Street
Assessor's Block/Lot:	9900/070
Zoning District:	M-2/40-X & 65-X
Staff Contact:	Rich Sucre, (415) 575-9108 or richard.sucre@sfgov.org
Record No.	2017-001815ZAD

Dear Mr. Olson:

This letter is in response to your request for a Letter of Determination regarding proposed office development at the Pier 70 Historic Buildings (400-600 20th Street). The request is to confirm that new office development under the jurisdiction of the Port of San Francisco would receive an "automatic allocation" under Planning Code Sections 320-325 (Prop M) and would be subtracted from the available allocation upon issuance of a site permit or building permit.

Per Planning Code Section 321(2)(A), office space under the jurisdiction of the San Francisco Port Commission shall count against the annual maximum limit.

Per Planning Code Section 324, the City of San Francisco has "limited legal authority to direct or control physical development, whether for office use or not, on land covered by approved redevelopment plans or under the jurisdiction of the Port Commission."

Therefore, an Office Development Authorization from the Planning Commission, as outlined in procedures specified in Planning Code Sections 321 and 322, and approval from the Planning Department is not required for new office development under the jurisdiction of the San Francisco Port Commission. Upon issuance of a site or building permit application for a new office development, the Port of San Francisco shall notify the Planning Department of such action and the new office development shall be counted against the annual maximum limit as required in Planning Code Section 321.

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

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Suite 400
San Francisco,
CA 94103-2479

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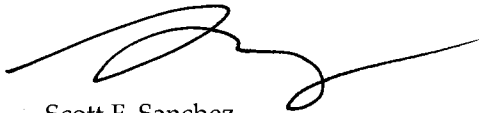
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June 13, 2017
Letter of Determination
Office Use in Pier 70 Historic Buildings

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: Diane Oshima, Port of San Francisco
Rich Sucre, Planner
Neighborhood Groups



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ENCLOSURE MEMO

DATE: February 8, 2017
TO: Scott Sanchez
Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103

R #2017-001815 ZAD
CK # 75183 \$ 664. -
R. SUCRE (SE)

RE: Proposed Office Uses in the Pier 70 Historic Buildings

WE ARE ENCLOSING: Draft letter and check for \$664.00.

BY: Charles R. Olson

Letter to go on Planning Department Letterhead

February 8, 2017

Mr. James Madsen
Orton Development, Inc.
1475 Powell Street, Suite 101
Emeryville, CA 94608

RE: Proposed Office Uses in the Pier 70 Historic Buildings

(9900/070)

Dear Mr. Madsen:

We understand that Orton Development, Inc. ("ODI") is negotiating with a potential tenant to occupy one or more of the Pier 70 Historic Buildings with a use that would constitute "office development" under Planning Code Section 320. As you are aware, the Pier 70 Historic Buildings are under the jurisdiction of the Port of San Francisco.

At your request, this letter confirms that new office development under the jurisdiction of the Port of San Francisco would receive an "automatic allocation" of office space under Prop M (Planning Code Sections 320-325) without the need to receive a project authorization from the Planning Commission pursuant to Planning Code Sections 321 and 322. However, the new office space would count against the available allocation under Prop M, and it would be subtracted from the available allocation once the project receives a site permit or building permit consistent with Planning Code Section 321(a)(2)(A). Projects under Port jurisdiction are not subject to the Planning Commission's or Planning Department's approval, authorization or public hearing requirements under Prop M.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Scott Sanchez
Zoning Administrator

cc: Richard Sucre