



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

February 11, 2010

Mark Owens  
Citiscap Property Management Group, LLC  
3450 Third Street  
San Francisco, CA 94124

**RE: 18<sup>th</sup> Street and Arkansas Street**  
**Block: 4034 Lot: 001**  
**Zoning District: Urban Mixed Use (UMU)**

Dear Mr. Owens:

This letter is in response to your request for a Letter of Determination for the property at 18<sup>th</sup> Street and Arkansas Street, lot 001 of Assessor's Block 4034. This parcel is located in the Urban Mixed Use (UMU) zoning district with a 40-X height and bulk limitation. The request is for clarification about the legality of installing a gate at Arkansas Way as well as installing a lock on the existing gate at the corner of Arkansas and 19<sup>th</sup> Streets to restrict access to an existing path that crosses the lot at the rear.

Planning Commission Motion 13056 found that existing means of crossing the subject lot was to remain accessible to both residents of the development and to the neighborhood residents (*Finding 19(E)*). Furthermore, the Conditions of Approval of Planning Commission Motion No. 13056 state that public access through the site shall be a consideration in the landscape plan (*Condition #1, Landscaping and Open Space*).

Given that the path in question exists as the sole access for crossing the lot for both residents of the development and of the neighborhood, the installation of a gate at Arkansas Way and the installation of a lock at the gate at the corner of Arkansas and 19<sup>th</sup> Streets is not allowed without a request to amend the Conditional Use authorization and Planning Commission Motion that established the development. However, I believe the intent of the Commission's Motion would be met if the gates were installed but kept open during daylight hours and only locked at night. Signs stating opening hours would be required to be installed on the gates.

Should you wish to pursue Conditional Use authorization to amend Motion 13056, you must file a Conditional Use application. Should you wish to pursue locking the gates only during nighttime hours, I would suggest that we amend your Notice of Special Restrictions. Please note that a request to amend

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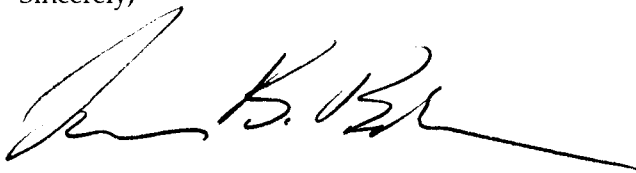
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18<sup>th</sup> & Arkansas Streets

any Planning Commission Motion must be heard before the Planning Commission and notice of the hearing will be sent to property owners within 300 feet of the site as well as to community groups, both within the Potrero Hill neighborhood as well as Citywide.

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,

A handwritten signature in black ink, appearing to read 'L. B. Badiner', with a long horizontal flourish extending to the right.

Lawrence B. Badiner  
Zoning Administrator

cc: Diego R Sánchez, Planner

*DRS: G:\DOCUMENTS\Letters of Determination\18th & Arkansas LOD 02.11.10.doc*