



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18537

Date: February 2, 2012
Case No.: **2008.1162K**
Project Address: **1251 Turk Street (a.k.a Rosa Parks II)**
Zoning: RM-3 (Residential-Mixed, Medium Density) District
50-X Height and Bulk District
Block/Lot: 0757/025
Project Sponsor: Emily Lin
Tenderloin Neighborhood Development Corporation (TNDC)
201 Eddy Street
San Francisco, CA 94102
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT ADDITIONAL NEW SHADING ON BUCHANAN MALL CAUSED BY THE CONSTRUCTION OF A PROJECT AT 1251 TURK STREET (a.k.a. ROSA PARKS II) AS PROPOSED WOULD BE SIGNIFICANT, BUT NOT ADVERSE BECAUSE OF THE TIME OF YEAR, THE DURATION, THE LOCATION, AND THE EXTENT OF THE NEW SHADOW, AND BECAUSE OF THE PUBLIC GOOD SERVED BY THE PROJECT; WITHIN A RM-3 (RESIDENTIAL-MIXED, MEDIUM DENSITY) DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

Planning Code Section (Section) 295, "Height Restrictions on Structures Shadowing Property under the Jurisdiction of the Recreation and Park Commission," was established by The Sunlight Ordinance of 1984 (Proposition K adopted by the San Francisco electorate). Under Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse. The Ordinance requires the Planning Commission and the Recreation and Park Commission, after consultation with the General Manager of the Recreation and Park Department, jointly to adopt criteria for implementation of Section 295.

Planning Department and Recreation and Park Department staff issued a Memorandum to the Planning Commission and Recreation and Park Commission, dated February 3, 1989, which identified quantitative and qualitative criteria for determining significance of shadow on 14 Downtown City parks. On February 7, 1989, by Resolution No. 11595, the two Commissions adopted the criteria described in that Memorandum and identified the parks for which numerical criteria were set, based on the tolerance of each for new shadows.

The Memorandum identified how shadow impact was to be measured: the additional annual amount of shadow-square foot-hours is expressed as a percent of total square foot-hours available per year.

Qualitative criteria for the approval of new buildings were defined in the Memorandum. The Memorandum stated that the qualitative criteria for assessing new shadow would be based on existing shadow profiles, important times of day, important seasons in the year, location of the new shadow, size and duration of new shadows and the public good served by buildings casting new shadow.

On October 3, 2009, Citizens Housing Corporation filed an application for a Shadow Impact Study on the property at 1251 Turk Street, on the south side between Webster Street and Buchanan Street Mall; Lot 025 in Assessor's Block 0757, (hereinafter "Subject Property") to construct a 50-foot tall, 5-story building for use as senior affordable housing. The project is located in a RM-3 (Residential-Mixed, Medium Density) District and a 50-X Height and Bulk District.

The Planning Department developed a shadow fan diagram that indicates the proposed project will cast a shadow on Lot 026 in Block 0757, a portion of a Recreation and Park Department property known as Buchanan Street Mall. The Mall is located within the former Buchanan Street public right-of-way, which was converted into a linear park between Eddy and Grove Streets. Turk Street, Golden Gate Avenue, McAllister Street and Fulton Street are the four streets that run east-west and intersect the Mall. For the purposes of this shadow study, only the area of the Mall between Turk Street and Golden Gate Avenue was analyzed, as the project shadow does not reach other portions of the Mall. No cumulative shadow impact criteria have been adopted for this property.

In October 2009, TDNC acquired the project from the prior project sponsor, Citizens Housing Corporation, and replaced Citizens as the developer, proposing new construction of a five-story, 50-foot tall building with up to 98 affordable senior housing units.

On September 3, 2009, the General Manager of the Recreation and Park Department, after consultation with the Recreation and Park Commission, recommended to the Planning Commission that shadow impacts by the proposed new building are not significant or adverse.

On January 26, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public to consider Application No. 2008.1162K, at which time the Commission reviewed and discussed the findings prepared for its review.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

The Planning Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The quantitative and qualitative criteria, as they apply to this project and park, are discussed in detail below:
3. Quantitative Criteria:
 - a. The portion of Buchanan Mall adjacent to the project site is 275 feet long, which is also the width of the project block. This segment of the Mall measures 275 feet by 68.75 feet with an approximate area of 18,910 square feet (0.4 acres). Without the presence of shadows cast by nearby buildings, and with year-round perfect weather, the Park would have approximately 70,367,719 square-foot-hours ("sfh") of Theoretically Available Annual Sunlight ("TAAS"). Computer modeling by a consultant has determined that the existing conditions at the Park result in its being shaded approximately 24.4 percent of the time, with a shadow load of 17,137,000 sfh.
 - b. The proposed project would reduce the annual available insolation by about 5.4 percent (a reduction of 3,819,040 sfh of sunlight), resulting in a total shadow load of 20,956,040 sfh, reducing the available insolation by a total 29.8 percent. The numerical shading results are summarized in the following table:

SHADOW IMPACTS on TOTAL PARK				
	TAAS	Existing Shadow	New Shadow	TOTAL SHADOW
SQ.FT.HRS	70,367,719	17,137,000	3,819,040	20,956,040
PERCENT	100	24.4	5.4	29.8

- c. In the February 3, 1989 Memorandum, smaller parks (less than two acres) that are already shadowed 20 percent or more of the time were recommended that no additional shadow be permitted. While the increased shadow is numerically significant, the new shadow does not have an adverse effect on the use of the Mall. Finding related to the use of the Mall as well as the public benefits of the project are discussed in the qualitative criteria below.

4. Qualitative Criteria:

- a. Yearly Shadow: The proposed project would shade the northern portion of this segment of the Mall, adjacent to Turk Street and the eastern edge of the project site. The project shadow would reach a children's playground area during approximately the last 20 minutes of Section 295 sunlight for a few days around the summer solstice (June 21). For the remainder of the year, new shadow from the project would fall on planting beds and asphalt areas of the Mall, with the asphalt areas primarily functioning as a pedestrian thoroughfare from Turk Street and Golden Gate Avenue. Seating areas or other active recreation areas (i.e. ball courts, etc.) are not located in the area where new shadow would fall.
- b. Public Good: Based upon the qualitative criteria in the 1989 Memorandum, the Planning Commission and Recreation and Park Commission may consider the public good served by a building which is casting net new shadows on a property subject to Section 295. The project provides overarching social benefit and contributes to the public good by constructing 100 affordable housing units for seniors, which is supported by the underlying zoning district and the General Plan.

Furthermore, a 40-foot tall building at the project site, which would be exempt from a shadow study under Planning Code Section 295, would not avoid most of the project's shadow impacts. Due to the proximity of the project site to the Buchanan Street Mall, it is approximated that a 40-foot tall building would cast about 90 percent of the shadow produced by proposed project (approximately equal to a 4.9 percent of new shadow on the Mall).

Therefore, based upon the qualitative criteria for the approval of new buildings as identified in the Memorandum to the Planning Commission and Recreation and Park Commission, dated February 3, 1989, adopted February 7, 1989, by Resolution No. 11595, when the duration, time of year, and areas affected are considered, combined with the benefits to the community of the new senior affordable housing project, the new shadow created by the project is considered to have a significant, but not an adverse impact on the use of the Park property subject to the new shadow.

5. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, and the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **FINDS** that the shadow cast by the proposed project on lands under the jurisdiction of the San Francisco Recreation and Park Department is significant but not adverse.

I hereby certify that the foregoing Motion was **ADOPTED** by the Planning Commission on February 2, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Miguel, Antonini, Borden, Moore, Sugaya

NAYS: (none)

ABSENT: Commissioner Fong

ADOPTED: February 2, 2012