



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion 18563

HEARING DATE: MARCH 22, 2012

*Date:* January 5, 2012  
*Case No.:* 2007.0030ECKMRZ  
*Project Address:* 8 Washington Street  
*Zoning:* RC-4 (Residential-Commercial, High Density) District  
 84-E Height and Bulk District  
*Block/Lot:* 0168/058; 0171/069; 0201/012-013 (including Seawall Lot 351)  
*Project Sponsor:* Simon Snellgrove  
 San Francisco Waterfront Partners II, LLC  
 Pier 3, The Embarcadero  
 San Francisco, CA 94111  
*Staff Contact:* Kevin Guy – (415) 558-6163  
 kevin.guy@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 NET NEW SHADOW ON SUE BIERMAN PARK BY THE PROPOSED PROJECT AT 8 WASHINGTON STREET WOULD NOT BE ADVERSE, AND ALLOCATE NET NEW SHADOW ON SUE BIERMAN PARK TO THE PROPOSED PROJECT.**

### PREAMBLE

Under Planning Code Section ("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.

February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of approximately 177,202 square

feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and several towers within the Golden Gateway Center are located to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with existing buildings casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the Park (with no adjacent structures present) is approximately 659,443,349 square-foot-hours of sunlight. Existing structures in the area cast shadows on the park that total approximately 265,992,877 square-foot hours, or approximately 40.3 percent of the TAAS. The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits had previously been adopted for Sue Bierman Park, in its present form, size, and configuration.

On April 25, 2011, Neil Sekhri, acting on behalf of San Francisco Waterfront Partners II, LLC ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow development exceeding 50 feet in height within an RC District, to allow an accessory off-street parking garage, to allow commercial uses above the ground floor, and to allow non-residential uses exceeding 6,000 square feet, and to approved a Planned Unit Development, pursuant to Planning Code Sections ("Sections") 209.7(d), 209.8(c), 209.8(f), 253, 303, and 304, to allow a project that would demolish an existing surface parking lot and health club and construct a new health club, residential buildings ranging from four to twelve stories in height containing 145 dwelling units, ground-floor retail uses totaling approximately 20,000 square feet, and 400 off-street parking spaces, located at 8 Washington Street, Lot 058 within Assessor's Block 0168, Lot 069 within Assessor's Block 0171, Lot 012 of Assessor's Block 0201, and Seawall Lot 351, which includes Lot 013 of Assessor's Block 0201 ("Project Site), within the RC-4 (Residential-Commercial, High Density) District and the 84-E Height and Bulk District. The project requests specific modifications of Planning Code requirements regarding bulk limitations, rear yard, off-street loading, and off-street parking quantities through the Planned Unit Development process specified in Section 304 (collectively, "Project"). On February 17, 2012, the Project Sponsor amended the Project application to reduce the number of dwelling units from 145 to 134, and to reduce the number of residential parking spaces from 145 to 134.

A technical memorandum, prepared by Turnstone Consulting, was submitted on December 13, 2011, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2007.0030K). The memorandum concluded that the Project would cast approximately 4,425 square-foot-hours of new shadow on Sue Bierman

Park., equal to approximately 0.00067% of the theoretically available annual sunlight ("TAAS") on Sue Bierman Park.

The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 22, 2012 and adopted Resolution No. 18562 establishing an absolute cumulative shadow limit equal to 0.00067% of the TAAS for Sue Bierman Park.

On March 22, 2012, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project on Sue Bierman Park will not be adverse.

The Planning Commission and 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 recitals 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 additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Park, for the following reasons: (1) the new shadow would be cast on small areas at the northwest and northeast portions of the park, with a maximum area of 670 square feet shadowed at a single time (6:47AM on June 21); (2) the areas to be shaded consists primarily of lawn situated at the outer fringes of the Park, immediately adjacent to the Washington Street sidewalk; (3) larger expanses of grassy seating areas, and pedestrian pathways situated toward the interior of the Park would not be affected ; (4) all net new shadows would be cast for a short duration (approximately 15 minutes) during the early-morning and late-evening hours, from early June through mid-July. Therefore, the Project would not cast shadows during mid-day hours when usage of the park is generally higher.
3. 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, 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 the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. **2007.0030K**, that the net new shadow cast by the Project on Sue Bierman Park will not be adverse, and ALLOCATES to the Project up to 4,425 square-foot hours of shadow on Sue Bierman Park, equivalent to approximately 0.00067% of the theoretically available annual sunlight on .

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 22, 2012.

Linda Avery  
Commission Secretary

AYES: Fong, Antonini, Borden, Miguel

NAYS: Sugaya, Wu

ABSENT: Moore

ADOPTED: March 22, 2012