



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18143

HEARING DATE: JULY 15, 2010

Date: July 8, 2010
Case No.: **2004.0946EKC**
Project Address: **1717 17th street**
Zoning: UMU (Urban Mixed Use) and
 45/48-X Height and Bulk District
Block/Lot: 3980/008
Project Sponsor: Sean Keighran
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 San Francisco, CA 94123
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ADOPTING FINDINGS, WITH THE ADVICE OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT ADDITIONAL NEW SHADING CAUSED BY THE CONSTRUCTION OF A PROJECT AT 1717 17TH STREET 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 UMU (URBAN MIXED USE) DISTRICT AND A 45/48-X (PROPOSED 48-X) HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 4, 2009, Sean Keighran (Project Sponsor) filed an application for a Shadow Impact Study on the property at 1717 17th Street, on the south side within the block bounded by De Haro, Mariposa and Carolina Streets; Lot 008 in Assessor's Block 3980, (hereinafter "Subject Property") to construct two new buildings at this site. The project is located in a UMU (Urban Mixed Use) and a 45/48-X (Proposed 48-X) Height and Bulk District.

On January 21, 2010, 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 and adverse.

On July 15, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public to consider Application No. 2004.0946EKC, at which time the Commission reviewed and discussed the findings prepared for its review.

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. San Francisco Planning Code 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). This requires the Planning Commission, prior to the issuance of a permit for a development which exceeds 40 feet in height, to make a finding that, if new shadow is cast by the proposed development on property under the jurisdiction of the Recreation and Park Commission, such new shading would be insignificant. 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.
2. The Planning Department developed a shadow fan diagram that indicates the proposed project will cast a shadow on Lot 001 in Block 3981, a Recreation and Park Department property recently developed as Jackson Playground. This park is located east across Carolina Street from the proposed project, one lot to the east, at the southeastern corner of the Carolina and 17th Street intersection. No cumulative shadow impact criteria have been adopted for this property.
3. 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.
4. 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.
5. 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.

These quantitative and qualitative criteria, as they apply to this project and park, are discussed in detail below:

6. Quantitative Criteria:

- a. Jackson Playground has an area of 192,000 square feet. Theoretically, with year-round perfect weather, the Park has available to it about 714,508,800 square-foot-hours (“sfh”) of sunlight. Computer modeling by a consultant has determined that the existing conditions at the Park result in its being shaded approximately 6.23 percent of the time, with a shadow load of 44,939,684.5 sfh.
- b. The proposed project would reduce the annual available insolation by about 0.4977 percent (a reduction of 3,556,159.5 sfh of sunlight), resulting in a total shadow load of 48,495,843.92 sfh, reducing the available insolation by a total 6.7277 percent. The numerical shading results are summarized in the following table:

SHADOW IMPACTS on TOTAL PARK				
	Available	Existing Shadow	New Shadow	TOTAL SHADOW
SQ.FT.HRS	714,508,800	44,939,684.5	3,556,159.47	48,495,843.92
PERCENT	100	6.2896	0.4977	6.7277

- c. In the February 3, 1989 Memorandum larger parks (two acres or more) that are shadowed less than 20% of the time were recommended to permit additional shadow of up to 1.0% if the shadow meets the additional qualitative criteria. This park is considerably larger than two acres and is shadowed less than 20% of the time, and the new shadow would add less than 1.0%.
- d. Although the shadow cast by the proposed project has a numerically significant effect, increasing the shading of the park, the total loss of sunlight through the year is still well below seven percent, which is a reasonable limit for a large park in an area of moderate building heights and density.

7. Qualitative Criteria:

- a. Yearly Shadow: The proposed project would shade the west side of Jackson Playground in each month of the year for a maximum of 2.5 hours a day. The occurrence of new shade would occur only in the last hours of the day. No new shadow would be created on any day before 2.5 hours prior to sunset. For example, on the day of greatest impact (June 21st), there would be no new shadow impact before 6:30pm.

The majority of the park includes a heavily used clubhouse, two baseball fields, outdoor tennis courts, outdoor basketball court, tot lot, and community garden. The project would only affect the northeast area facing Carolina Street, which consists of mature trees, benches, and a baseball field. The new shadow would occur on the west side of the park on a portion of the ball field in the late afternoon when field use is less frequent. The new shadow would not adversely affect park activities because the ball diamonds are mainly used during the morning and early afternoon on weekends, outside of the time when the new shadow would occur.

- b. Building Characteristics: Based upon the criteria in the Memorandum to the Planning Commission and Recreation and Park Commission, adopted February 7, 1989 by Resolution No. 11595, buildings in the public interest may be allocated a larger portion of the Absolute Cumulative limit establishing allowable shadow impacts on a park. Given the overarching social benefit and the public good served by using the Project site for a mix of uses supported by the underlying zoning district and the General Plan, including market rate and affordable housing, as well as commercial and PDR space, the proposed project should be allotted a substantial portion of the Absolute Cumulative Limit for shading of the nearby Park.

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 affordable housing project, the new shadow created by the Project is considered have a significant, but not adverse impact on the use of the Park property subject to the new shadow.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the 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** regarding Shadow Impact Application 2004.0946K 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 July 15, 2010.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, Moore, Olague, and Sugaya.

NAYS: None

ABSENT: Commissioner Borden.

ADOPTED: July 15, 2010