



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Downtown Park Fee (Sec. 412)
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Planning Commission Motion No. 18999

HEARING DATE: OCTOBER 10, 2013

Date: October 03, 2013
Case No.: 2007.0385EBKX
Project Address: 345 BRANNAN STREET
Zoning: MUO (Mixed Use Office)
 65-X Height and Bulk District
Block/Lot: 3788/039
Project Sponsor: Charles F. Bloszies
 228 Grant Avenue, 6th Floor
 San Francisco, CA 94111
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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 SOUTH PARK BY THE PROPOSED PROJECT AT 345 BRANNAN STREET WOULD NOT BE ADVERSE TO THE USE OF SOUTH PARK.

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.

On 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).

South Park is located on Lot 103 in Assessor's Block 3775, is encircled by South Park Avenue and is generally bounded by Second Street to the east, Bryant Street to the North, Third Street to the west and Brannan Street to the south. South Park measures approximately 36,999 square feet and is characterized by expanses of grassy lawn with two playground areas near the center. A hardscape walking path runs along the edge of the park. The neighborhood immediately surrounding South Park is characterized by one-, two- and three-story buildings, typically with residential uses above retail or commercial ground

floors. Larger development is located further east and south of South Park, on Second Street and Brannan Street.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on South Park (with no adjacent structures present) is approximately 137,688,079 square-foot-hours of sunlight. Existing structures in the area cast shadows on South Park that total approximately 15,578,288 square-foot hours, or approximately 11.31 percent of the TAAS.

On September 18, 2008 Charles F. Bloszies (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Shadow Impact Study, an Office Allocation and a Large Project Authorization on the property at 345 Brannan Street, south side of Brannan Street between 3rd Street and Stanford Street; Lot 039 in Assessor's Block 3788, (hereinafter "Subject Property") to construct a six-story commercial office building (hereinafter "the Project") at this site. The Project is located within an MUO (Mixed Use Office) Zoning District a 65-X Height and Bulk District.

A technical memorandum, prepared by Zone Consulting, was submitted on December 17, 2012, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2007.0385K). The memorandum concluded that the Project would cast approximately 24,693 square-foot-hours of new shadow on South Park., equal to approximately 0.02% of the theoretically available annual sunlight ("TAAS") on South Park.

The Planning Commission has reviewed and considered the Final Mitigated Negative Declaration and will be adopting the Negative Declaration and the Mitigation Monitoring and Reporting Program as part of its Large Project Authorization action for this Project.

On September 19, 2013, 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 South Park will not be adverse to the use of South Park.

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 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:
 - a. The proposed project would reduce the annual available insolation by about 0.02 percent (a reduction of 24,693 square foot hours of sunlight). This results in a total shadow load

of 15,602,981 square foot hours and a reduction of the available insolation to 11.33 percent.

- b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow is well below one tenth of one percent, and amounts to a reasonable and extremely small loss of sunlight for a park in an area of moderate building heights and density.
 - c. The net new shadow cast upon South Park from the Project occurs exclusively within the first half hour of time for which Proposition K is concerned; net new shadows occur exclusively in the morning. The net new shadow occurs in mid-fall (October 22) and ends in mid-winter (February 20). This time of year is when precipitation levels are at their highest and is a time of year where cloudy and overcast skies are abundant, thereby increasing the chance of obscured sunlight due to weather, irrespective of existing or proposed developments near South Park.
 - d. The net new shadow cast is relatively small in area in comparison to the size of South Park and at its greatest extent never exceeds 16% of the area of South Park. The net new shadow generally does not last for more than seven and a half minutes during any one morning and five minutes is the most common duration of net new shadow cast by the proposed project. The net new shadow occurs only within a rectangular area north of Jack London Alley, where vegetation is not likely to be adversely affected given existing uses, shadow size and duration.
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 Project Sponsor, 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. **2007.0385K**, that the net new shadow cast by the Project on South Park will not be adverse to the use of South Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on October 10, 2013.

Jonas Ionin
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: October 10, 2013