



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 19136

HEARING DATE: MAY 1, 2014

*Date:* April 24, 2014  
*Case No.:* 2012.1574KX  
*Project Address:* 650 INDIANA STREET  
*Zoning:* UMU (Urban Mixed Use)  
 58-X Height and Bulk District  
*Block/Lot:* 4041/009  
*Project Sponsor:* Michael Yarne  
 315 Linden Street  
 San Francisco, CA 94102  
*Staff Contact:* Diego R Sánchez – (415) 575-9082  
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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 ESPRIT PARK BY THE PROPOSED PROJECT AT 650 INDIANA STREET WOULD NOT BE ADVERSE TO THE USE OF ESPRIT 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).

Esprit Park is located on Lot 002 in Assessor's Block 4061, is generally bounded by Minnesota Street to the east, 19<sup>th</sup> Street to the North, Indiana Street to the west and 20<sup>th</sup> Street to the south. Esprit Park measures approximately 79,729 square feet and is characterized by expanses of grassy lawn encircled by a walking path and an array of maturing trees. The neighborhood immediately surrounding Esprit Park is characterized by one- and two-story buildings, typically of non-residential use. The neighborhood encompassing Esprit Park is part of the Eastern Neighborhoods Area Plan and is envisioned, generally, for increased building heights and residential density.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Esprit Park (with no adjacent structures present) is approximately 296,706,366.08 square-foot-hours of sunlight. Existing structures in the area cast shadows on Esprit Park that total approximately 31,378,487 square-foot hours, or approximately 10.58 percent of the TAAS.

On April 5, 2013 Michael Yarne (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Shadow Impact Study and a Large Project Authorization on the property at 650 Indiana Street, west side of Indiana Street between 18<sup>th</sup> Street and 19<sup>th</sup> Street; Lot 009 in Assessor's Block 4041, (hereinafter "Subject Property") to construct two five-story residential buildings (hereinafter "the Project") at this site. The Project is located within an UMU (Urban Mixed Use) Zoning District a 58-X Height and Bulk District.

A technical memorandum, prepared by CADP, was submitted on February 19, 2014, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2012.1574K). The memorandum concluded that the Project would cast approximately 147,734 square-foot-hours of new shadow on Esprit Park., equal to approximately 0.049 percent of the theoretically available annual sunlight ("TAAS") on Esprit Park.

On April 17, 2014, 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 Esprit Park will not be adverse to the use of Esprit 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 0.049 percent (a reduction of 147,734 square foot hours of sunlight). This results in a total shadow load of 31,526,221 square foot hours and a reduction of the available insolation to 10.63 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 slated for increased building heights and residential density.

- c. The net new shadow cast upon Esprit Park from the Project occurs exclusively within the last hour of time for which Proposition K is concerned; net new shadows occur exclusively in the evening.
  - d. The net new shadow cast is relatively small in area in comparison to the size of Esprit Park and at its greatest extent never exceeds 11.67 percent of the area of Esprit Park. The average duration of the net new shadow is 15 minutes and never exceeds 43 minutes.
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. **2012.1574K**, that the net new shadow cast by the Project on Esprit Park will not be adverse to the use of Esprit Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on May 1, 2014.

Jonas P. Ionin  
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: May 1, 2014