



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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Planning Commission Motion No. 19200

HEARING DATE: JULY 24, 2014

Date: July 17, 2014
Case No.: 2012.0793KX
Project Address: 346 POTRERO AVENUE
Zoning: UMU (Urban Mixed Use)
 85-X Height and Bulk District
Block/Lot: 3962/008
Project Sponsor: Jessie Stuart
 90 New Montgomery, Suite 750
 San Francisco, CA 94105
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 FRANKLIN SQUARE BY THE PROPOSED PROJECT AT 346 POTRERO AVENUE WOULD NOT BE ADVERSE TO THE USE OF FRANKLIN SQUARE.

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).

Franklin Square is located on Lot 001 in Assessor's Block 3963, is generally bounded by Hampshire Street to the east, 16th Street to the North, Bryant Street to the west and 17th Street to the south. Franklin Square measures approximately 191,999 square feet and a soccer field and children's play area are the principal active uses of the park. Lawn areas with trees and shrubs of various maturities also encircle the park. The neighborhood immediately surrounding Franklin Square is of a mixed use character, with structures between one- and four-stories in height. The neighborhood encompassing Franklin Square 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 Franklin Square (with no adjacent structures present) is approximately 714,505,078.60 square-foot-hours of sunlight. Existing structures in the area cast shadows on Franklin Square that total approximately 39,896,906.64 square-foot hours, or approximately 5.58 percent of the TAAS.

On April 18, 2013 Jessie Stuart (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 346 Potrero Avenue, west side of Potrero Avenue, between 16th Street and 17th Street; Lot 008 in Assessor's Block 3962, (hereinafter "Subject Property") to construct a nine-story residential and retail mixed use building (hereinafter "the Project") at this site. The Project is located within an UMU (Urban Mixed Use) Zoning District an 85-X Height and Bulk District.

A technical memorandum, prepared by CADP, was submitted on February 9, 2014, and updated on June 16, 2014 to reflect Project revisions including a smaller building envelope, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2012.0793K). The memorandum concluded that the Project would cast approximately 1,808,025.93 square-foot-hours of new shadow on Franklin Square, equal to approximately 0.253 percent of the theoretically available annual sunlight ("TAAS") on Franklin Square.

On February 20, 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 Franklin Square will not be adverse to the use of Franklin Square.

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 0.253 percent (a reduction of 1,808,025.93 square foot hours of sunlight). This results in a total shadow load of 41,704,932.57 square foot hours and a reduction of the available insolation to 5.83 percent.

- b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow is below approximately one quarter of one percent, and amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon Franklin Square from the Project occurs exclusively in the morning, and never after 10 AM.
 - d. The net new shadow cast is relatively small in area in comparison to the size of Franklin Square and at its greatest extent never exceeds 11.30 percent of the area of Franklin Square. The average duration of the net new shadow is one hour, seven minutes and is never longer than one hour, 23 minutes. While the new shadow would shade the soccer field and pedestrian pathways, it never reaches the children's play area.
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. **2012.0793K**, that the net new shadow cast by the Project on Franklin Square will not be adverse to the use of Franklin Square.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on July 24, 2014.

Jonas P. Ionin
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: July 24, 2014