

SAN FRANCISCO
PLANNING COMMISSION
MOTION NO. **17542**

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 EMBARCADERO PLAZA II BY THE PROPOSED ADDITION TO THE EXISTING OFFICE BUILDING AT 100 CALIFORNIA STREET (ASSESSOR'S BLOCK 0236, LOT 017) WOULD NOT BE ADVERSE.

RECITALS

1. On December 15, 2006, Beacon Capital Partners (Project Sponsor) applied for Shadow Analysis Application No. 2002.0660K on the property at 100 California Street, Lot 017 in Assessor's Block 0236, (Project Site), to add six stories to an existing 14-story office building (Project) within the C-3-O (Downtown Office) District and a 350-S Height and Bulk District. The highest point of the Project would be approximately 286 feet as measured by the Planning Code.
2. On October 18, 2007, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Project's shadow impact on Embarcadero Plaza II. At that time, consideration of the Project was continued to the Recreation and Park Commission's regularly scheduled meeting of November 1, 2007.
3. On November 1, 2007, the Recreation and Park Commission voted six to zero in favor of a recommendation that the net new shadow is not adverse.
4. The he Recreation and Park Commission conveyed this recommendation to the Planning Department in its Resolution No. 0711-007 dated November 1, 2007.

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, the Planning Commission finds, concludes, and determines as follows:

1. Under Section 295 of the Planning Code, 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.

2. On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco (Planning Commission Resolution No. 11595).

The quantitative standard established for Embarcadero Plaza II was an absolute cumulative limit of 0.1 percent.

3. Embarcadero Plaza II, which includes Justin Herman Plaza, is the second-largest downtown park at approximately 149,698 square feet. The plaza is flanked by highrise office buildings along its western edge. The plaza is bounded by Clay Street on the north, The Embarcadero on the east, and a new tourist hotel on the south. The plaza is predominantly paved, but it includes some grassy areas. The Villaincourt Fountain is near the north end of the plaza, and there are many seating areas scattered throughout the plaza. Although the plaza is generally very sunny during the morning hours, afternoon shadows are heavy.
4. On an annual basis, Embarcadero Plaza II receives approximately 557,086,137 square-foot-hours of sunlight. Shadows from existing buildings in the vicinity currently consume approximately 209,464,387 square-foot-hours or 37.6 percent of the available sunlight. The remaining permitted shadow load on the plaza is 0.1 percent or 557,086 square-foot-hours.

Much of this shadow allowance has already been consumed by the construction of the Hotel Vitale at the south end of the plaza. That project added approximately 510,549 square-foot-hours of shadow. The net new shadow from the Project would add another 6,209 square-foot-hours of shadow on the plaza. When added to the shadow from the Hotel Vitale, the total shadow from both projects is approximately 516,758 square-foot-hours. This figure is below the shadow allowance of 557,086 square-foot-hours.

5. The net new shadow cast by the Project on Embarcadero Plaza II would not have an adverse impact for the following reasons: (1) the net new shadow would only occur during the late-afternoon (5:00PM to 5:30PM) for one week in mid-February, one week in early March, one week in early October, and one week in late October, (2) the net new shadow would occur for approximately 15 minutes per day; (3) the mid-February and late-October shadow would fall in the center of the Villaincourt Fountain and would not impact the public's ability to enjoy or use the plaza; (4) the early-March and early-October shadow would fall approximately 75 feet south of the Villaincourt Fountain when much of the plaza is already in shadow; and (5) allowing additional late-afternoon shadow on Embarcadero Plaza II in mid-February, early March, early October, and late October would be consistent with the qualitative standards for the plaza, which call for the preservation of mid-day and winter sun.

6. The proposed addition has already been sculpted as much as possible to avoid casting net new shadow on a number of downtown parks, including Embarcadero Plaza I, Ferry Park, and Maritime Plaza.

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. **2006.0660K**, that the net new shadow cast by the Project on Embarcadero Plaza II will not be adverse.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on January 24, 2008.

Linda D. Avery
Commission Secretary

AYES: Christina Olague, Michael J. Antonini, Sue Lee, Kathrin Moore, Hisashi Sugaya
NOES: None
ABSENT: Dwight Alexander & William L. Lee
ADOPTED: January 24, 2008