

Agenda Item 1B

Recreation and Park Commission Draft Resolution

HEARING DATE: OCTOBER 15, 2015

RECOMMENDING TO THE PLANNING COMMISSION THAT NET NEW SHADOW ON GENE FRIEND RECREATION CENTER CAST BY THE PROPOSED PROJECT FOR A NINE-STORY (85-FT TALL) RESIDENTIAL BUILDING AT 363 6TH STREET WOULD NOT BE ADVERSE TO THE USE OF GENE FRIEND RECREATION CENTER, AS REQUIRED BY PLANNING CODE SECTION 295 (THE SUNLIGHT ORDINANCE).

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). The quantitative standard that was established for Gene Friend Recreation Center (or "Rec Center") was zero percent or no net new shadow.

Gene Friend Recreation Center is a 1.02 acre park (44,618 square feet) located at 270 6th Street in the SoMa neighborhood. It is bounded by a two-story, 26-ft tall private property on the northwest, Harriet Street to the west, Folsom Street to the south, and 6th Street to the east. Gene Friend Recreation Center provides a mix of outdoor and indoor recreation space. It includes a sports court, playground and green field to the west along Harriet Street and a 24- to 34-foot-high structure (with a 16,835 square-foot footprint (the "Rec Center Building") to the east along 6th Street. The Rec Center Building includes a full indoor gymnasium, activity room, weight room and auditorium and occupies approximately $\frac{3}{4}$ of the 6th Street frontage. A 9-foot-tall fence and guardrails encircles Gene Friend Recreation Center and is locked at night. Access to the park is provided via three gates: one at the corner of Folsom and 6th Streets, another on Harriet Street, and the third on 6th Street. Gene Friend Recreation Center is managed by the Recreation and Park Department ("RPD"). The park is open from 9:00 am until 9:00 pm from Tuesday to Friday. In addition, the Rec Center is open from 9:00 am to 5:00 pm on Saturdays. The facility is available for rentals on Sunday and Mondays and offers after school programming for children on Mondays from 3 pm to 5 pm.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Gene Friend Recreation Center (with no adjacent structures present) is approximately 166,041,425.20 square-foot-hours of sunlight. Existing structures, including the shadow from the Rec Center Building, currently shade Gene Friend Recreation Center 60.67% of the year, with an existing shadow load of 100,738,858.17 square-foot-hours ("sfh").

On October 3, 2012, Michael Roach of Realtex (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 363 6th Street, located at the northeast corner 6th and Clara Streets; Lot 079 in Assessor's Block 3753, (hereinafter "Subject Property") to construct a nine-story (85-ft tall) residential building (hereinafter "the Project").

The Project is located within the MUR (Mixed Use-Residential) Zoning District, SoMa Youth and Family Special Use District, and a 85-X Height and Bulk District.

A technical memorandum, prepared by Adam Noble of CADD, was submitted to the Planning Department on June 8, 2015, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2011.0586K). In addition, this memorandum examined the cumulative shadow impact caused by the Project and the nearby project at 345 6th Street (Case No. 2013.1773K). The memorandum concluded that the Project would cast approximately 46,297.80 square-foot-hours of new shadow on Gene Friend Recreation Center, equal to approximately 0.02788 percent of the theoretically available annual sunlight ("TAAS") on Gene Friend Recreation Center.

On October 15, 2015, the Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing and established an absolute cumulative shadow limit equal to 0.02788% of the TAAS for Gene Friend Recreation Center as noted in Planning Commission Resolution No. XXXXX.

The Recreation and Park Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project at 363 6th Street.

The Recreation and Park 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 cast net new shadow within the allocated shadow budget for Gene Friend Recreation Center.
 - b. The proposed project would result in a total shadow load of 46,297.80 square foot hours equivalent to a shadow load of 0.02788 percent of the TAAS. The largest shadow would occur on October 25th and February 15th, gone by 7:38am, for approximately 8 minutes.
 - c. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow is well below 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.
 - d. The net new shadow cast upon Gene Friend Recreation Center from the Project occurs exclusively within the morning prior to the opening of the Rec Center. All net new shadow would be gone by 8:41 am.
 - e. The new net shadow is localized to the southern quarter of the park along walkways, a portion of the green field south of the Rec Center Building and the southeastern corner of the playground in the sandbox area.
 - f. The net new shadow cast is relatively small in area in comparison to the size of Gene Friend Recreation Center and at its greatest extent never exceeds 13 percent of the area of Gene Friend Recreation Center. The average duration of the net new shadow is 12 minutes and 22 minutes.
 - g. The Project would produce new public benefits, including, but not limited to, new housing, new

on-site affordable housing units for rent, streetscape improvements and payment of development impact fees.

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 Recreation and Park Department, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby RECOMMENDS that the Planning Commission find, under Shadow Analysis Application No. **2011.0586K**, that the net new shadow cast by the Project on Gene Friend Recreation Center will not be adverse to the use of Gene Friend Recreation Center.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on October 15, 2015.

Margaret McArthur
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: October 15, 2015