

## Agenda Item 1A

# Recreation and Park Commission Draft Resolution

HEARING DATE: OCTOBER 15, 2015

**JOINT RESOLUTION WITH THE PLANNING COMMISSION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON GENE FRIEND RECREATION CENTER IN ORDER TO ALLOW THE PROPOSED PROJECT FOR A NEW NINE-STORY (85-FT TALL) RESIDENTIAL BUILDING WITH 104 DWELLING UNITS AT 363 6<sup>TH</sup> STREET (ASSESSOR'S BLOCK 3753 LOT 079).**

### PREAMBLE

The people of the City and County of San Francisco, in June 1984, adopted an initiative ordinance, commonly known as Proposition K, codified as Section 295 of the Planning Code.

Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure more than 40 feet in height that will cast shadow on property under the jurisdiction of the Recreation and Park Department, unless it is determined that the shadow would not be significant or adverse. The Planning Commission and the Recreation and Park Commission must adopt criteria for the implementation of that ordinance.

Section 295 is implemented by analyzing park properties that could be shadowed by new construction, including the current patterns of use of such properties, how such properties might be used in the future, and assessing the amount of shadowing, its duration, times of day, and times of year of occurrence. The Commissions may also consider the overriding social or public benefits of a project casting shadow.

Pursuant to Planning Code Section 295, the Planning Commission and the Recreation and Park Commission, on February 7, 1989, adopted standards for allowing additional shadows on the greater downtown parks (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 6<sup>th</sup> 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 6<sup>th</sup> 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.

Gene Friend Recreation Center is located within a mixed-use neighborhood in the South of Market (SoMa) neighborhood. The scale of development varies greatly in the vicinity of the project site. The immediate area is characterized by one-and-two-story commercial and industrial properties on the adjacent street corners at 6<sup>th</sup> and Folsom Streets, three-to-four-story live/work and residential buildings further west along Folsom Street, and two-

story commercial buildings and an eight-story apartment complex farther north along 6<sup>th</sup> Street. Within a short distance of the Rec Center is Victoria Manalo Draves Park, which is a 2.52 acres accessible park, bounded by Columbia Square, Folsom Street, Sherman Street and Harrison Street.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the Rec 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 and its building footprint, 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 September 12, 2012, Michael Roach of Realtex, Inc. (hereinafter "Project Sponsor") filed Application No. 2011.0586X with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new nine-story residential building with 104 dwelling units and 700 gsf of ground floor corner commercial space at 363 6th Street (Block 3753 Lot 079) in San Francisco, California.

A technical memorandum, prepared by Adam Noble of CADP, 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).

The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on October 15, 2015 to consider whether to establish an absolute cumulative shadow limit equal to 0.02788% of the TAAS for Gene Friend Recreation Center.

The Recreation and Park Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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.

Therefore, the Commission hereby resolves:

## **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:
  - The new shadow would increase the shadow load on Gene Friend Recreation Center in the southern quarter of the park in passive recreational areas, such as walkways and a portion of the green field south of the Rec Center Building.
  - New shadows would be cast in the early morning hours before the Rec Center is open. All shadow would be gone by 8:41am.
  - New shadows would occur for a few minutes on 20 days out of 365 days in the Fall and Winter.
  - When new shadows occur, they would be fleeting and of relatively short duration, ranging from 5 to 22 minutes, with an average duration of approximately 12 minutes.

3. The Project at 363 6<sup>th</sup> Street provides substantial public benefits in the form of new housing, new streetscape amenities, development impact fees, and inclusionary affordable housing. The Project provides 104 dwelling units to the City's housing stock, and would pay the appropriate development impact fees for the new residential development. The Project includes 12 inclusionary affordable housing units for rent. Finally, the Project provides new sidewalks, street trees and site furnishings, which is a notable public benefit.
  
4. A determination by the Planning Commission and the Recreation and Park Commission to raise the absolute cumulative shadow limit for the park in an amount that would accommodate the additional shadow that would be cast by the Project does not constitute an approval of the Project.

### **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Recreation and Park and Planning Departments, the oral testimony presented to the Planning and Recreation and Park Commissions at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby **ADOPTS**, under Shadow Analysis Application No. **2011.0586K**, the proposal to establish a cumulative shadow limit for Gene Friend Recreation Center of 0.02788%.

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

Margaret McArthur  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:        October 15, 2015