



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. XXXXX

HEARING DATE: March 17, 2016

*Date:* March 7, 2016  
*Case No.:* **2015-002837CUASHD**  
*Project Address:* **455 FELL STREET (a.k.a. Parcel O)**  
*Zoning:* RTO (Residential Transit Oriented) Zoning District  
 40-X/50-X Height and Bulk District  
*Block/Lot:* 0831/024  
*Project Sponsor:* Tim Dunn  
 Mercy Housing  
 1360 Mission Street, Suite 300  
 San Francisco, CA 94103  
*Staff Contact:* Tina Chang – (415) 575-9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)

**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 PATRICIA’S GREEN BY THE PROPOSED PROJECT AT 455 FELL STREET WOULD NOT BE ADVERSE TO THE USE OF PATRICIA’S GREEN.**

### 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).

Patricia’s Green is a 0.45 acre park located in the Western Addition neighborhood along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park is bounded by Hayes Street to the north and Fell Street to the south. Patricia’s Green is characterized by a picnic seating area, a circular plaza, grassy areas, and a children’s play area. The

neighborhood immediately surrounding Patricia's Green is characterized by residential buildings of two to five stories in height, as well as ground floor retail and restaurant uses.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Patricia's Green (with no adjacent structures present) is approximately 66,595,904 square-foot-hours of sunlight. Existing structures in the area cast shadows on Jackson Playground that total approximately 11,706,388 square-foot hours, or approximately 17.58 percent of the TAAS.

On March 5, 2015, Tim Dunn, on behalf of Mercy Housing (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Shadow Impact Study and on September 2, 2015, the Project Sponsor filed an application with the Department for a Conditional Use Application on the property at 455 Fell Street, former Central Freeway Parcel O with frontage on Fell Street to the north, Laguna Street to the west, Hickory Street to the south, (hereinafter "Subject Property") to construct a five-story mixed-use building containing 108 units and ground floor retail (hereinafter "the Project") at this site. The Project is located within an RTO (Residential Transit Oriented) Zoning District a 40-X/50-X Height and Bulk District.

A technical memorandum, prepared by Prevision Design, was finalized on November 18, 2015, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Case No. 2015-002837CUASHD). The memorandum concluded that the Project would cast approximately 44,936 square-foot-hours of new shadow on Patricia's Green, equal to approximately 0.07 percent of the theoretically available annual sunlight ("TAAS") on Patricia's Green.

On December 17, 2015, 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 Patricia's Green will not be adverse to the use of Patricia's Green.

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 0.07 percent (a reduction of 44,936 square foot hours of sunlight). This results in a total shadow load of 11,706,388 square foot hours and a reduction of the available insolation to 17.58 percent.

- b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow 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 Patricia's Green from the Project occurs in the late afternoon between October 13 through February 28.
  - d. The net new shadow cast is relatively small in area and the average duration of the net new shadow is 208 minutes and never exceeds 260 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. **2015-002837CUASHD**, that the net new shadow cast by the Project on Patricia's Green will not be adverse to the use of Patricia's Green.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 17, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: March 17, 2016