

**RECREATION & PARK COMMISSION**  
**City and County Of San Francisco**  
**Resolution No. \_\_\_\_\_**

**JOINT RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON CIVIC CENTER PLAZA IN ORDER TO ALLOW A PROPOSED PROJECT THAT INCLUDES CONSTRUCTION OF A NEW 47-STORY MIXED-USE BUILDING REACHING A ROOF HEIGHT OF UP TO 520 FEET TALL (540' INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A TOTAL GROSS FLOOR AREA OF APPROXIMATELY 720,000 SQUARE FEET, LOCATED AT 30 VAN NESS AVENUE, LOT 004 OF ASSESSOR'S BLOCK 0835, WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) ZONING DISTRICT AND 120-400-R2//140/520-R-2 HEIGHT AND BULK DISTRICT.**

**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.

Under Section 295, the Planning Commission may not approve a building permit for a structure with a height of 40 feet or higher that would cast a shadow on property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department ("RPD"), unless the Planning Commission, upon recommendation from the General Manager of RPD in consultation with the Recreation and Park Commission, makes a determination that the shadow will not have any adverse impact on the use of the property, or that the impact would be insignificant.

In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum ("1989 Memorandum") which identified quantitative and qualitative criteria for determinations of significant shadows in parks under RPD jurisdiction. The 1989 Memorandum included absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595). Per the 1989 memorandum, the quantitative limit for Civic Center Plaza was one (1) percent of net new shadow.

Civic Center Plaza (also referred to as the Joseph L. Alioto Performing Arts Piazza) is a public park under the jurisdiction of the RPD. The 5.12-acre (222,995 sf) urban park, located in the Civic Center neighborhood, is west of San Francisco City Hall and bounded by McAllister Street to the north, Larkin Street to the east, Polk Street to the west, and Grove Street to the south. The plaza is not fenced, but the official hours of operation are from 5 a.m. to midnight. Approximately half of the plaza area is paved, but these areas are interspersed with rectangular lawns as well as an unpaved (dirt) section at the center of the park. To the north and south of this central dirt section are approximately 200 small, densely spaced, but highly pruned trees. Approximately 10 larger trees are present in the southeastern corner of the park, and 8 similar trees are located in the northeastern portion of the park. Two recently renovated fenced-in children's play areas (known as the Hellen Diller Civic Center Playground) are located in the plaza; one is at the northeast corner and is for smaller children, and the other is at the southeast corner and is designed for older children. Both play areas contain poured rubber paving and play equipment as well as benches. The southern portion of the park contains a small rectangular area with some landscaping, as well as a bench wall used for seating. A café kiosk opened in 2018 in the southeast corner of the park with a small outdoor seating area on the east side. There is no formal entrance to Civic Center Plaza; most users enter at one of the four corners, or at the center along the Polk and Larkin Street frontages.

On or after October 17, 2018, 30 Van Ness Development, LLC (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Planning") in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; and

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Transportation Demand Management. The Project site (hereinafter "Site") is property at 30 Van Ness Avenue, located on the east side of Van Ness Avenue between Market and Fell Streets; Lot 004 in Assessor's Block 0835. The Project includes a significant alteration to the existing 5-story building containing non-residential uses and the construction of a new 47-story mixed-use building reaching a roof height up to 520 feet tall (540' inclusive of rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 720,000 gross square feet of uses, with approximately 468,000 gross square feet of residential use (333 dwelling units) within a tower situated atop a 9-story podium containing approximately 234,000 gross square feet of general office use, approximately 22,000 gross square feet of retail uses, 317 Class 1 and 82 Class 2 bicycle parking spaces, and three below-grade levels that would accommodate up to 146 vehicle parking and 5 car share spaces provided for the residential, and office uses. The Site is located within the C-3-G Zoning District and the 120/400-R-2 // 140/520-R-2 Height and Bulk District.

A Shadow Study was prepared by qualified consultants ("Prevision Design"), finalized on February 28, 2020, that analyzed the potential shadow impacts of the Project to properties under the jurisdiction of the RPD (Case No. 2017-008051SHD). The analysis was conducted according to criteria and methodology as described in (1) the 1989 Memorandum, (2) the July 2014 memorandum titled "Shadow Analysis Procedures and Scope Requirements" ("the 2014 memorandum") prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected.

Under current conditions the park receives 84,651,694 annual sfh of shadow. Based on a calculated TAAS of 829,854,584 sfh, Civic Center Plaza's existing annual shadow load is 10.20% of its TAAS. Existing shadow patterns include early morning shadow falling across the eastern portion of the park and late afternoon/evening shadow cast from the western edge, with little to no midday shadow except over winter months, when shadows encroaching from the south are cast on the southern edge of the park.

The Project would result in net new shadow cast on Civic Center Plaza, adding 15,100 net new annual sfh of shadow and increasing the sfh of shadow by 0.002% annually above current levels. This increase would result in a new annual total shadow load of 10.203%. Net new shadow from the Project would occur for up to 90 minutes in the early afternoon between approximately November 30th and January 10th. Net new shadow would fall only along the southern edge of the park, affecting several grassy areas, several paved walkways as well as portions of the seating areas around the café building.

The days of maximum net new shadow on the park due would occur on December 20th and 21st, when the Project would shade portions of the southern edge of the park starting just before 1 p.m. and move eastward across the park over the course of approximately 90 minutes. The duration of the Project-generated net new shadow would vary throughout the year, with net new shadow lasting between zero and 90 minutes, with an average duration of about 70 minutes across all affected dates. The largest net new shadow cast by the Project would occur at 2 p.m. on December 20th and 21st and cover 771 sf—equivalent to 0.35% of the total area of Civic Center Plaza.

The portions of Civic Center Plaza that would receive net new shadow include several grassy areas, several paved walkways as well as portion of the area around cafe kiosk used for movable tables and chairs for cafe customers. Of the areas affected, the café eating areas would likely be considered most sensitive to the addition of net new shadow. Other features receiving new shading could be characterized as being of lower sensitivity due to the fact their use is either typically transitory in nature (walkways) or are features that are similar to many other nearby areas in the park (grassy areas) that would be unshaded at the times affected by net new shadow from the Project.

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Planning determined that an environmental impact report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 23, 2018. Planning held a public scoping meeting on June 12, 2018 in order to solicit public comment on the scope of the project's environmental review.

On July 24, 2019, Planning published the draft EIR (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to Planning's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on July 24, 2019. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Site on July 24, 2019.

On July 24, 2019, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on July 24, 2019.

The Historic Preservation Commission held a duly advertised hearing on said DEIR on August 8, 2018 at which the Historic Preservation Commission formulated its comments on the DEIR.

The Planning Commission held a duly advertised public hearing on said DEIR on August 29, 2019 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 9, 2019.

Planning prepared responses to comments on environmental issues received during the 46 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. This material was presented in a responses to comments document, published on March 12, 2020, distributed to the Planning Commission and all parties who commented on the DEIR, and made available to others upon request at Planning.

Planning prepared a final EIR (hereinafter "FEIR") consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document, all as required by law.

On February 13, 2020, the Planning Commission adopted Resolutions 20653 through 20656 to initiate legislation entitled (1) Ordinance amending the General Plan to amend the Market and Octavia Plan, (2) Ordinance amending the planning code to update the Market and Octavia Area Plan, (3) Ordinance amending the zoning map to change the land use, zoning, and height and bulk classifications in the Hub Plan area, respectively, and (4) Ordinance amending the Business and Tax Regulations and Planning Code to create the HUB Housing Sustainability District.

On **May 14, 2020**, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending to amend the Market and Octavia Plan; and (2) the ordinance amending the Planning Code to update the Market and Octavia Area Plan. At that meeting the Planning Commission adopted Resolutions 20653 through 20656 to recommend that the Board of Supervisors approve: (1) an Ordinance amending the General Plan to amend the Market and Octavia Plan; (2) an Ordinance amending the planning code to update the Market and Octavia Area Plan; (3) an Ordinance amending the zoning map to change the land use, zoning, and height and bulk classifications in the Hub Plan area, respectively; and (4) an Ordinance amending the Business and Tax Regulations and Planning Code to create the HUB Housing Sustainability District.

On **May 14, 2020**, the Planning Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed

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comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Planning Commission on **May 14, 2020**, by adoption of Motion No. XXXXX.

On **May 21, 2020**, through Motion No. XXXXX, the Planning Commission approved findings required by CEQA, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2017-008051ENX, for approval of the Project, which findings are found in Attachment C to this Planning Commission Motion No. XXXXX and incorporated by reference as though fully set forth herein.

On **May 21, 2020**, the Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing to consider whether to raise the absolute cumulative shadow limit equal to 0.002% of the TAAS for Civic Center Plaza.

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

The Planning Commission and Recreation and Park Commission have 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 preamble above, and having heard all testimony and arguments, the Recreation and Park Commission finds, concludes, and determines as follows:

1. The foregoing recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by the Project would not cause a significant adverse impact to the use of the Civic Center Plaza for the following reasons:
  - a. The Project would result in net new shadow cast on Civic Center Plaza, adding 15,100 sfh of net new shadow annually. Thus, the Project would result in a total shadow load of 84,666,794 sfh annually, or an increase of 0.002% of the Plaza's TAAS.
  - b. The duration of the Project-generated net new shadow would vary throughout the year, with net new shadow lasting between zero and 90 minutes, with an average duration of about 70 minutes across all affected dates in the early afternoon between approximately November 30th and January 10th. The largest net new shadow cast by the Project would occur at 2 p.m. on December 20th and 21st and cover 771 sf—equivalent to 0.35% of the total area of Civic Center Plaza.
  - c. The portions of Civic Center Plaza that would receive net new shadow include several grassy areas, several paved walkways as well as portion of the area around cafe kiosk used for movable tables and chairs for cafe customers. Of the areas affected, the café eating areas would likely be considered most sensitive to the addition of net new shadow. Other features receiving new shading could be characterized as being of lower sensitivity due to the fact their use is either typically transitory in nature (walkways) or are features that are similar to many other nearby areas in the park (grassy areas) that would be unshaded at the times affected by net new shadow from the Project.

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- d. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
- 3. The Project implements the vision of the Market and Octavia Area Plan through the construction of 333 dwelling units with 25% provided as on-site affordable units (Below Market Rate), approximately 234,000 gross square feet of office use, and ground floor retail. The Project's commercial uses (office, and retail) will provide new employment opportunities within an intense, walkable urban context.
- 4. Planning staff recommends raising a shadow limit for the Civic Center Plaza of 0.002% of the TAAS, equal to approximately 15,100 annual square-foot-hours of net new shadow.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department and the Recreation and Park Department, the oral testimony presented to the Planning Commission and Recreation and Park Commission at the public hearing, and all other written materials submitted by all parties, the Recreation and Park Commission hereby **ADOPTS**, under Shadow Analysis Application No. 2017-008051SHD, the proposal to raise the cumulative shadow limit for Civic Center Plaza by 0.002% as a percentage of the Plaza's TAAS.

I hereby certify that the Recreation and Park Commission ADOPTED the foregoing Resolution at its special hearing on **May 21, 2020**.

Adopted by the following vote:

- Ayes
- Noes
- Absent

I hereby certify that the foregoing resolution was adopted at the Recreation and Park Commission meeting held on May 21, 2020.

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**Ashley Summers, Commission Liaison**