



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20615

HEARING DATE: JANUARY 9, 2020

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Record Number: **2016-013312SHD**

Project Address: **542-550 Howard Street (Transbay Parcel F)**

Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District
750-S-2 and 450-S Height and Bulk Districts
Transit Center C-3-O(SD) Commercial and
Transbay C-3 Special Use Districts
Downtown and Transit Center District Plan Areas

Block/Lot: 3721/016, 135, 136, 138

Project Sponsor: F4 Transbay Partners, LLC
101 California Street, Suite 1000
San Francisco, CA 94111

Property Owner: Parcel F Owner, LLC
101 California Street, Suite 1000
San Francisco, CA 94111

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ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW CAST UPON UNION SQUARE PLAZA AND WILLIE "WOO WOO" WONG PLAYGROUND BY THE PROPOSED PROJECT AT 542-550 HOWARD STREET ("PARCEL F") WOULD NOT BE ADVERSE TO THEIR USE.

PREAMBLE

Under Planning Code 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 Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, 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).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. 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 the jurisdiction of the Recreation and Park Department.

The 1989 Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Guy Place Mini Park ("Park") is a proposed new park under the jurisdiction of the Recreation and Park Department. The Park was not named in the 1989 Memorandum and is considered a small park which is shadowed more than 20 percent of the time during the year. As such, the 1989 Memorandum recommended that no additional shadow could be potentially permitted unless the shadow meets the qualitative criteria of the 1989 Memorandum. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on the Park would require hearings at the Recreation and Park Commission and the Planning Commission.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Planning Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Planning Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

The TCDP PEIR considered reasonably foreseeable future projects on 13 specific sites in the TCDP, based on generalized massing models of buildings at the heights that would be allowed under the TCDP. The PEIR found that new shadows from development within the plan area would affect nine parks, eight of which have established Absolute Cumulative Limits (ACLs) for net new shadow under section 295. Considered together, development under the TCDP would require that the ACLs be increased on seven downtown parks. No mitigation is available for shadow impacts on existing parks, because it not possible to lessen the intensity or otherwise reduce the shadow cast by a building at a given height and bulk. Therefore, the TCDP PEIR found the plan would have a significant and unavoidable impact with respect to shadow.

On October 11, 2012, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on and adopted Planning Commission Resolution No. 18717 and Recreation and Park Commission Resolution No. 1201-001 raising the ACLs for seven open spaces under the jurisdiction of the Recreation & Park Department that could be shadowed by likely cumulative development sites in the Plan area, including the Project. In revising these ACLs the Commissions also adopted qualitative criteria for each park related to the characteristics of shading within these ACLs that

would not be considered adverse, including the duration, time of day, time of year, and location of shadows on the particular parks. At the hearing on October 11, 2012, the Recreation and Park Commission also recommended that the General Manager of the Recreation & Park Department recommend to the Planning Commission that the shadows cast by the Project on certain properties under the jurisdiction of the Recreation & Park Department are not adverse to the use of these properties, and that the Planning Commission allocate to the Project allowable shadow from the absolute cumulative shadow limits of six of these properties.

On August 27, 2019, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Department prepared an initial shadow fan that indicated the Project may cast a shadow on both Union Square Plaza and Willie "Woo Woo" Wong Playground, properties under the jurisdiction of the San Francisco Recreation and Park Department.

On October 17, 2018, Cameron Falconer of Hines, acting on behalf of F4 Transbay Partners, LLC (hereinafter "Project Sponsor"), filed application No. 2016-013312SHD to analyze shadow impacts associated with the proposed project ("Project") located at 542-550 Howard Street ("Parcel F"), within Lots 016,135,136 and 138 of Assessor's Block 3721. The Project includes the construction of a new 61-story mixed-use building reaching a height of 749'-10" tall (800' inclusive of rooftop screening/mechanical equipment). The Project would include 165 dwelling units, 189 hotel rooms, approximately 276,000 square feet of office use floor area, approximately 79,000 square feet of floor area devoted to shared amenity space, approximately 9,000 square feet of retail space, approximately 20,000 square feet of open space, 177 Class 1 and 39 Class 2 bicycle parking spaces, and four below-grade levels that would accommodate up to 183 vehicle parking spaces provided for the residential, hotel, and office uses. The Project also would construct a pedestrian bridge providing public access to Salesforce Park located on the roof of the Transbay Transit Center.

To evaluate the design of the Project, a project-specific shadow study ("Shadow Study") was performed using a detailed 3-D model. The analysis performed by qualified consultants ("FASTCAST") modeled the proposed Project and site consistent with the projects architectural and engineering plan description in addition to utilizing high resolution topography mapping. FASTCAST's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a

quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow [Sections 146(c), 147, and 260(b)(1)(M)], and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.

Union Square Plaza is an approximately 2.42-acre (105,516-square feet) public plaza, located approximately 0.50 mile west of the Site. Union Square Plaza contains landscaped areas, walkways, and areas for active and passive uses. The Project would add new shadow to Union Square Plaza in the early morning between 7:44 a.m. until no later than 8:15 a.m. from August 30 through September 13 and from March 29 through April 12 for a total of six weeks. Net new shadow would be cast on the northwest portion of Union Square Plaza, which includes primarily open space, stairs, and portable seating with tables, chairs, and umbrellas.

The average duration of new shadow from the proposed project on Union Square Plaza would be 18 minutes. The maximum extent of net new shadow cast by the proposed project would occur on September and April 5 at 7:44 a.m., when approximately 14,956 square feet of project shadow would fall on the northwest portion of Union Square, covering approximately 14.17 percent of the park and increasing shadow coverage from 82.33 percent of the park to 96.5 percent coverage of the park, with only a small sliver of sunlight remaining. The greatest amount of net new daily shadow from the proposed project would also occur on September 6 and April 5, when the project would add approximately 4,687 square foot hours of new shadow.

The existing annual shadow coverage on Union Square Plaza is 44.99 percent shaded relative to the TAAS (approximately 392,667,242 square foot hours of shadow). The quantitative analysis found that the Project would add approximately 0.03 percent new shadow, relative to TAAS (approximately 115,526 sfh of shadow) for a total of 45.02 percent shaded under existing plus project conditions. The Project would add 0.03 net new shadow, within the current ACL of 0.14, leaving a remaining "shadow budget" of 0.11 percent of TAAS.

Willie "Woo Woo" Wong Playground is an approximately 0.61-acre (26,563 square feet) urban park, located approximately 0.62 mile northwest of the Site. The park contains two sand-floor playgrounds, and basketball, tennis and volleyball courts. It also includes a recreational center that hosts afterschool programs and indoor gym and ping-pong tables. The Project would add new shadow to Willie "Woo Woo" Wong Playground in the early morning starting after 8:00 a.m. and ending before 8:30 a.m. for a total of 11 weeks of the year between November 15 and November 22 and between January 18 and January 25. The net new shadow would cover 2,628 square feet (or 9.89 percent) of the playground and would be cast on a portion of the northwest side of the tennis courts.

The average duration of new shadow resulting from the proposed project on Willie "Woo Woo" Wong Playground would be 10 minutes, 48 seconds. The greatest amount of net new daily shadow from the proposed project would occur on November 29 and January 11 at 8:15 a.m., when the project would add approximately 2,628 sfh of new shadow. The duration of net new project shadow reaching Willie "Woo Woo" Wong Playground during the year would be 11 weeks, slightly larger than the eight weeks analyzed in the TCDP PEIR. However, the greatest area of new shadow would be less than what was analyzed in

the TCDP PEIR, with the project casting new shadow of approximately 2,628 square feet, compared to the 4,000 square feet analyzed in the TCDP PEIR.

The existing annual shadow coverage on Willie "Woo Woo" Wong Playground is 58.44 percent shaded relative to TAAS (approximately 98,852,508 sfh of shadow). The quantitative analysis found that the Project would add approximately 0.01 percent new shadow, relative to TAAS (approximately 9,845 sfh of shadow) for a total of 58.45 percent shaded under existing plus project conditions. The Project would add 0.01 new shadow, within the current ACL of 0.03, leaving a remaining "shadow budget" of 0.02 percent of TAAS.

Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the TCDP FEIR. The Project's new shadow on Union Square Plaza and Willie "Woo Woo" Wong Playground would contribute considerably to the significant and unavoidable impact identified in the TCDP FEIR with respect to the need to increase the Absolute Cumulative Limit of downtown parks.

On September 19, 2019, the Recreation and Park Commission conducted a duly noticed public hearing at regularly scheduled meeting and recommended, through Resolution No. 1909-016, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Union Square Plaza or Willie "Woo Woo" Wong Playground. The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2016-013312SHD is located at 1650 Mission Street, Suite 400, San Francisco, California.

On January 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2016-013312SHD.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:

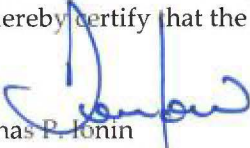
- a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
- b. The Project would result in minor net new shadow (0.03 percent of TAAS) on Union Square Plaza during the early morning hours between 7:44 a.m. and no later than 8:15 a.m. The proposed project would cast new shadow on Union Square Plaza between August 30 and September 13, and again between March 29 and April 12, for a total of six weeks on any day of the year. During these periods, net new shadow would be cast from 7:44 a.m. to no later than 8:15 a.m. The areas affected by new shadow during these times consist mostly of stairs, grass, and pedestrian pathways. The average duration of new shadow resulting from the proposed project on Union Square Plaza would be 18 minutes. The longest new shadow duration resulting from the proposed project would occur on August 30 and April 12 for 26 minutes and 24 seconds. Outside of August 30 through September 13 and March 29 through April 12, the Project would not cast new shadow on Union Square Plaza. Net new shadow cast by the Project would be greatest on September 6 and April 5 with a net new shadow of approximately 4,687 sfh. The largest new shadow (based on area) would occur on September 6 and April 5 at 7:44 a.m., lasting 7 minutes 48 seconds, and would cover an area of approximately 14,956 square feet, or 14.17 percent of Union Square Plaza.
- c. The Project would result in minor net new shadow (0.01 percent of TAAS) on Willie "Woo Woo" Wong Playground for limited periods during the early morning hours starting after 8:00 a.m. and ending before 8:30 a.m. During this time a small percentage of the playground would be shaded including a portion of the southwestern side of the tennis court. Additional shadow generated by the proposed project on this portion would be minor and would not noticeably change the shadow conditions at the playground. The Project would cast new shadow on Willie "Woo Woo" Wong Playground between November 15 and January 25, for a total of 11 weeks on any day of the year. During these periods, net new shadow would be cast starting after 8:00 a.m. and ending before 8:30 a.m. The average duration of new shadow resulting from the proposed project on Willie "Woo Woo" Wong Playground would be 10 minutes, 48 seconds. The longest new shadow duration resulting from the Project would occur between November 15 and November 22, and between January 18 and January 25 for 15 minutes. Outside of periods, the Project would not cast any new shadow on Willie "Woo Woo" Wong Playground. Net new shadow cast by the Project would be greatest on November 29 and January 11 and would total approximately 552 sfh. The largest new shadow (based on area) would occur on November 29 and January 11 at 8:15 a.m., lasting 12 minutes 36 seconds, and would cover an area of approximately 2,628 square feet, or 9.89 percent of Willie "Woo Woo" Wong Playground.
- d. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.

- e. No single location within Union Square Plaza would be in continuous new shadow for longer than 27 minutes, while no single location within Willie "Woo Woo" Wong Playground would be in continuous new shadow for longer than 16 minutes.
3. **Public Outreach and Comment.** The Department has received correspondence regarding the proposed Project related to shadow impacts on Willie "Woo Woo" Wong Playground, citing concerns around shadows caused by the Project having an adverse impact on the use of the Willie "Woo Woo" Wong Playground. The Project Sponsor has conducted community outreach that includes local community groups to respond to concerns over shadow impacts resulting from the Project, including:
- Committee for Better Parks and Recreation in Chinatown; 10/26/18
 - Chinatown Community Development Corporation; 11/15/18, 2/11/19
 - SRO Families; 6/6/19, 6/18/19
 - East Cut CBD Board; 10/15/18
 - Transbay CAC; 10/11/19, 2/21/19, 7/11/19
 - South Beach/ Rincon Hill / Mission Bay Neighborhood Association; 8/29/18
 - TODCO; 5/29/19
 - United Playaz; 5/28/19, 10/11/18
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to 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 Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DETERMINES**, under Shadow Analysis Application No. 2016-013312SHD that the net new shadow cast by the Project on Union Square Plaza or Willie "Woo Woo" Wong Playground will not be adverse to the use of Union Square Plaza or Willie "Woo Woo" Wong Playground.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 9, 2020.


Jonas P. Ionin
Commission Secretary

AYES: Diamond, Fung, Johnson, Koppel, Melgar

NAYS: Moore

ABSENT: Richards

ADOPTED: January 9, 2020