



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Section 295

HEARING DATE: JANUARY 21, 2010

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San Francisco,
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Date: January 15, 2010
Case No.: 2009.0302K (Maritime Plaza and Sue Bierman Park)
2002.0133K (555 Washington Street)
Project Address: **Maritime Plaza:**
- (bounded by Washington, Davis, Clay, and Battery Streets)
Sue Bierman Park:
- (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
555 Washington Street (between Montgomery and Sansome Streets)
Zoning: **Maritime Plaza:**
- C-3-O (Downtown Office) District
- 200-S/300-S Height and Bulk Districts
Sue Bierman Park:
- P (Public)
- OS Height and Bulk District
555 Washington:
- C-3-O (Downtown Office) District
- 200-S Height and Bulk District
Block/Lot: **Maritime Plaza:**
- 0204/020-022
Sue Bierman Park:
- 0202/006, 015, 018, 020; 0203/013-014
555 Washington:
- 0207/033, 035, 036
Project Sponsor: Andrew Segal
Lowe Enterprise Real Estate Group-West, Inc.
455 Market Street
San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval**

PROJECT DESCRIPTION

The proposal is to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the architectural screen would reach a

height of approximately 430 feet. The building would cast shadow on Maritime Plaza, which has been allocated no new allowable shadow under criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989.

The building would also cast shadow on Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration (see discussion under "Issues and Other Considerations below").

The project sponsor is therefore requesting that the Planning Commission and the Recreation and Park Commission act jointly to raise the allowable shadow limit for Maritime Plaza, set an absolute cumulative shadow limit for Sue Bierman Park that would accommodate the new shadows from the project, find that the new shadow cast on Maritime Plaza and Sue Bierman Park would not be adverse to the use of these spaces, and allocate this shadow to the proposed project.

SITE DESCRIPTION AND PRESENT USE

The project site is located at 555 Washington Street, between Montgomery and Sansome Streets, Block 0207, Lots 033, 035, and 036, within the C-3-O (Downtown Office) District, and the 200-S Height and Bulk District. The site measures 36,831 square feet, and is currently developed with a nine-story office building and one-story retail building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. The site is located within the at the northerly edge of the Financial District, an area characterized primarily by high-intensity urban development including office and hotel uses. Retail uses are found on the ground floor of many buildings.

The scale of development varies greatly in the vicinity of the project site. Taller high-rise buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront.

Maritime Plaza is located two blocks to the east of the project site. The Plaza is elevated above the surrounding sidewalks, located on a podium over a parking garage. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours

Sue Bierman Park is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets, beginning three blocks to the east of the project site. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

ENVIRONMENTAL REVIEW

On March 25, 2009, the Planning Department published a Draft Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The Draft EIR analyzes potential environmental impacts of the proposed development, and proposes specific mitigation and improvement measures to avoid potentially significant environmental effects. Copies of the Draft EIR were routed to the members of the Planning Commission at the time of publication. Following the close of the public review and comment period on May 18, 2009, the Department prepared a revised Draft EIR, including written responses to the submitted oral and written comments.

HEARING NOTIFICATION

Planning Code Section 295 does not specify notification procedures for the actions under consideration. Public notice for the overall development project has been provided in accordance with the requirements of the Planning Code, including an on-site poster, mailing to adjacent property owners, a published advertisement, and a published agenda.

PUBLIC COMMENT

An overview of the public comments on the project is included in the Executive Summary for the other project entitlements.

ISSUES AND OTHER CONSIDERATIONS

- In 1989, the Planning Commission and the Recreation and Park Commission adopted standards and guidelines for allowing additional shadows on parks in the City. Small parks or parks that are heavily shaded were granted no new allowable shadows, including Maritime Plaza.
- Sue Bierman Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.
- On an annual basis, the total potential sunlight available to Sue Bierman Park (disregarding the shading from existing buildings) is approximately 705,110,821 square-foot-hours of sunlight. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 annual square-foot-hours of sunlight are available to the park, approximately 58.2 percent of the potential sunlight. Throughout the course of the year, the project would cast an additional 43,682 square-foot hours of shadow on Sue Bierman Park. This is approximately 0.0062 percent of the theoretically potential sunlight, or 0.011 percent of the existing available sunlight.
- On an annual basis, the total potential sunlight available to Maritime Plaza is approximately 320,030,092 square-foot-hours of sunlight. Existing structures in the area cast shadows on the plaza, so that approximately 112,224,916 annual square-foot-hours of sunlight are available to the

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Planning Commission must, upon recommendation of the General Manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, adopt a resolution to raise the absolute cumulative limit for additional shadow on Maritime Plaza by 0.88 percent of the potential annual sunlight, and to establish an absolute cumulative limit for additional shadow on Sue Bierman Park at 0.0062 percent of the potential annual sunlight. The Planning Commission must also, upon recommendation of the General Manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, adopt a motion to find that the additional shadow cast by the project on Maritime Plaza and Sue Bierman Park would not be adverse to the use of these spaces, and to allocate the additional allowable shadow to the project.

An overview of the required approvals (unrelated to shadow impacts) for the project is included in the Executive Summary for the other project entitlements.

BASIS FOR RECOMMENDATION

- The new shadow would be cast on during the late afternoon and early evening hours, when usage of both Maritime Plaza and Sue Bierman Park is relatively low.
- The presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight on Maritime Plaza in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza.
- At the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park. The area to be shaded is limited to a narrow strip along the northern edge of the park in areas adjacent to the sidewalk.
- The Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

RECOMMENDATION: Approval
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Attachments:

Draft Resolution re: Case No. 2009.0302K
Draft Motion re: Case No. 2002.0133K
Shadow Memorandum



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Case No.: 2002.0133K (555 Washington Street)

Project Address: **Maritime Plaza:**
- (bounded by Washington, Davis, Clay, and Battery Streets)
Sue Bierman Park:
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555 Washington Street (between Montgomery and Sansome Streets)

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Recommendation: **Approval**

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 MARITIME PLAZA

AND SUE BIERMAN PARK BY THE PROPOSED PROJECT AT 555 WASHINGTON STREET (ASSESSOR'S BLOCK 0207, LOTS 033, 035, AND 036) WOULD NOT BE ADVERSE, AND ALLOCATE NET NEW SHADOW ON MARITIME PLAZA AND SUE BIERMAN PARK TO THE PROPOSED PROJECT.

RECITALS

1. 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.

2. February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco (Planning Commission Resolution No. 11595).

3. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.

4. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast

shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight.

The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

5. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
6. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
7. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
8. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 regarding Application No. 2002.0133K. At that time, the Final Environmental Impact Report had not been completed and was not available for certification, therefore, the Commissions were not able to take final action on the item.
9. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on January 21, 2010 and adopted Resolution No _____ to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of potential sunlight on the Plaza (Case No. 2009.0302K), and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at 0.011 percent of the potential sunlight on the Park.

10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on January 21, 2010 regarding Application No. 2002.0133K, at which time the Commissions reviewed and discussed the findings prepared for its review by Planning Department staff.
11. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
12. The Planning Commission and the 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 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 would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
3. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual

square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

4. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
5. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 43,682 square-foot hours of shadow on Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
6. 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. The Project would be subject to future approvals by the Planning Commission in association with the other applications related to the 555 Washington Street project (Application No. 2002.0133BCEVXZ).

DECISION

That based upon the Record, the submissions by the Applicant, 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. **2002.0133K**, that the net new shadow cast by the Project on Maritime Plaza and Sue Bierman Park will not be adverse, and ALLOCATES to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza and up to 43,682 square-foot hours of shadow on Sue Bierman Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on January 21, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 21, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
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Recommendation: **Approval**

RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON MARITIME PLAZA AND TO ESTABLISH AN ABSOLUTE CUMULATIVE SHADOW LIMIT ON SUE

BIERMAN PARK IN ORDER TO ALLOW THE PROPOSED PROJECT AT 555 WASHINGTON STREET.

RECITALS

1. 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.
2. Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure 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.
3. 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.
4. 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 Maritime Plaza ("Plaza") was zero percent or no net new shadow.
5. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.

6. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to

the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight. The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

7. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
8. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.79 percent of the existing available annual square foot-hours of sunlight on the Plaza.
9. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight. At that time, the Final Environmental Impact Report had not been completed and was not available for certification, therefore, the Commissions were not able to take final action on the item.

11. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on January 21, 2010 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight.
12. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
13. The Planning Commission and the Recreation and Park Commission have heard and considered the testimony presented at the public hearing and have 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 would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
3. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be

shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

4. The staff of both the Planning Department and the Recreation and Park Department have recommended increasing the limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, or 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza, equivalent to 2,822,513 square-foot hours of shadow on the Plaza.
5. The staff of both the Planning Department and the Recreation and Park Department have recommended establishing a limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park, or 0.011 percent of the existing available annual square foot-hours of sunlight on the Park, equivalent to 43,682 square-foot hours of shadow on the Park.
6. 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 a Project approval.

DECISION

That based upon the Record, the submissions by the Applicant, 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 **ADOPTS**, under Shadow Analysis Application No. 2009.0302K, the proposal to raise the absolute cumulative limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, and to establish an absolute cumulative limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park.

I hereby certify that the foregoing Resolution was **ADOPTED** by the Planning Commission at its regular meeting on January 21, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

Resolution XXXXX
January 21, 2010

CASE NO. 2009.0302K
Maritime Plaza and Sue Bierman Park

ADOPTED: January 21, 2010