

1 [Planning Code, Zoning Map - Rezoning a Portion of Daggett Street to Public Use/Open
Space Zoning]

2 **Ordinance amending the Planning Code by revising the Zoning Map to rezone a portion**
3 **of Daggett Street between 16th Street and 7th Street from Urban Mixed Use/68-X Height**
4 **and Bulk District to Public/Open Space as part of the establishment of Daggett Park;**
5 **and making findings under the California Environmental Quality Act, and findings of**
6 **consistency with the General Plan, and the eight priority policies of Planning Code,**
7 **Section 101.1.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings.

17 (a) As San Francisco continues to grow and develop, the need increases for well-
18 maintained public open spaces that meet the demands of existing and new residents,
19 workers, and visitors. The Showplace Square/Potrero Hill Area Plan, a part of the Eastern
20 Neighborhoods Area Plan, identifies the need for additional open space to enhance livability in
the Plan Area.

21 (b) In order to provide these new open spaces, significant funding beyond existing City
22 resources is necessary to acquire, develop, and maintain the necessary new open spaces.
23 One potential source of funds is new residential development that could contribute to the
24 capital costs of open space. New residential development directly impacts the existing park
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1 sites with its influx of new residents. Therefore, new development in the Eastern
2 Neighborhoods is required under Planning Code Section 423 to pay the Eastern
3 Neighborhoods Infrastructure Impact Fee directly into the Eastern Neighborhoods Public
4 Benefit Fund to, among other infrastructure improvements, acquire and/or construct new open
5 space. Alternatively, project sponsors may propose to directly provide community
6 improvements to the City in lieu of fee payments. In such a case, the Planning Commission
7 may enter into an in-kind improvement agreement with the sponsor and issue a fee waiver for
8 the Eastern Neighborhoods Infrastructure Impact Fee in the amount of the cost of the
9 acquisition of property and/or proposed improvements.

10 (c) The Eastern Neighborhoods Streets and Open Space Concept Plan (Appendix A3
11 of the 2008 Showplace Square/Potrero Hill Area Plan) identified as a priority and significant
12 opportunity for new open space the approximately one-acre one block section of Daggett
13 Street between 16th and 7th Streets, owned by the Port of San Francisco and subject to the
14 public trust. Policies 5.1.1 and 5.1.2 of the Showplace Square/Potrero Hill Area Plan (2009)
15 call for the City to “[i]dentify opportunities to create new public parks and open spaces and
16 provide at least one new public park or open space serving the Showplace/Potrero” and
17 “[r]equire new residential development and commercial development to provide, or contribute
18 to the creation of publicly accessible open space.” In addition, the Showplace Open Space
19 Plan (2010) identified Daggett Street as a potential location for open space to fulfill the goals
20 of the Showplace Square/Potrero Hill Area Plan.

21 (d) On January 27, 2009, the City issued an “Eastern Neighborhoods Infrastructure
22 Prioritization Memorandum of Understanding” (“ENMOU”) between seven City agencies. This
23 MOU listed the implementation of one new open space project in the Showplace Square area
24 (generally bounded by 16th Street to the south, 7th Street to the northeast, Bryant Street to the
25 northwest, and Potrero Avenue to the west) as one of the seven priority projects for funding in

1 the Eastern Neighborhoods. On July 18, 2011, in Motion No. 2011-6-1, and June 15, 2015, in
2 Motion No. 2015-06-05, at duly noticed public meetings, the ENCAC supported the use of a
3 portion of the Eastern Neighborhoods Infrastructure Impact fee that the Project Sponsor owed
4 via an In-Kind Agreement between the City and Project Sponsor, as set forth in Planning
5 Code Section 423.3, to be allocated to the construction of the open space improvements. The
6 ENCAC recommended this action to the Planning Commission and Board of Supervisors.
7 Copies of these motions are on file with the Clerk of the Board in File No. 150644.

8 (e) On September 7, 2012, the Interagency Planning and Implementation Committee
9 (“IPIC”) agreed with this recommendation.

10 (f) In 2012, the Planning Commission and Archstone Daggett Place, LLC (“Project
11 Sponsor”), which plans to develop a 453-unit rental development project on the properties
12 abutting Daggett Street, entered into an in-kind agreement to build a new open space on a
13 portion of Daggett Street in exchange for a waiver of a portion of its Eastern Neighborhoods
14 Infrastructure Impact Fee. The Planning Commission and the Project Sponsor entered into
15 the 1000 16th Street In-Kind Improvement Agreement dated as of November 29, 2012 (the
16 “In-Kind Agreement”). Project Sponsor will provide the additional cost of construction of the
17 open space improvements and maintenance of the open space as a gift to the City. On
18 November 29, 2012 and July 9, 2015, at duly noticed public hearings, the Planning
19 Commission, in Resolution Nos. 18752 and 19410 approved an In-Kind Agreement and an
20 amended In-Kind Agreement, respectively (collectively referred to herein as the “In-Kind
21 Agreements”). Copies of these resolutions and the In-Kind Agreements are on file with the
22 Clerk of the Board in File No.150644.

23 (g) The Showplace Square/Potrero Hill area will benefit greatly from this new local
24 amenity, facilitated by the Project Sponsor’s adjacent new residential development, as
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1 adequate resources have not been available to fund a significant new open space in this Plan
2 Area.

3 (h) Daggett Street, which was transferred to the City under the Burton Act, was subject
4 to the public trust and placed in the jurisdiction of the Port of San Francisco. In order to
5 support new open space uses on Daggett Street, the City worked with the Port and California
6 State Lands Commission to lift the public trust from Daggett Street in exchange for the City's
7 payment of the appraised fair market value of \$1,675,000 to the Port. In exchange for such
8 payment, the Port agreed to remove the public trust and transfer jurisdiction of Daggett Street
9 to the City.

10 (i) Once construction of the open space improvements is complete, jurisdiction over
11 the portion of Daggett Street that will be vacated (the "Vacation Area") and will transfer to the
12 Real Estate Division of the Office of the City Administrator ("RED"). RED will manage the
13 Vacation Area as a public open space and intends to request the Board to designate the
14 Vacation Area as a City Plaza under Administrative Code Section 94, the San Francisco
15 Plaza Program, once RED has identified a steward for the Board's consideration and
16 approval. The Vacation Area is proposed to be zoned as public/open space use, while the
17 remaining street right-of-way portion of Daggett Street will continue as a public street under
18 the jurisdiction of Public Works.

19 (j) To facilitate establishment of the Daggett Park open space, this legislation would
20 conditionally change the zoning of a portion of Daggett Street between 16th Street and 7th
21 Street from the adjacent zoning district of UMU (Urban Mixed Use)/68-X Height and Bulk
22 District to P (Public)/OS (Open Space). This zoning change would become operative on the
23 effective date of the street vacation of the northern portion of this street segment in
24 accordance with Public Works Code Section 787 and California Streets and Highways Code
25 Sections 8300 et seq. The street vacation, Public Works SUR Map No. 2015-002 showing the

1 area to be vacated, and other related approvals and actions are in companion legislation on
2 file with the Board of Supervisors in Clerk’s File No. 150644 and incorporated herein by
3 reference.

4 (k) For purposes of the actions set forth in this legislation, the Board adopts the
5 California Environmental Quality Act (“CEQA”) (Public Resources Code Sections 21000 et
6 seq.) findings that it adopted in companion legislation on file with the Clerk of the Board of
7 Supervisors File No. 150644, and incorporated herein by reference.

8 (l) On July 2, 2015, the Planning Commission, in Resolution No. 19406, adopted
9 findings that the actions contemplated in this ordinance are consistent, on balance, with the
10 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
11 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
12 Board of Supervisors in File No. 150586, and is incorporated herein by reference.

13 (m) In Resolution No. 19406, the Planning Commission also determined, in
14 accordance with Planning Code Section 302, that the ordinance will serve the public
15 necessity, convenience, and general welfare. The Board adopts this determination as its own.
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17 Section 2. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of
18 the City and County of San Francisco is amended as follows:

<u>Property Location</u>	<u>Zoning District</u>	<u>Zoning District</u>	<u>Sheet</u>
	<u>To Be Superseded</u>	<u>Hereby Approved</u>	
The northerly portion of Daggett Street between 16th and 7th Streets as shown in Public Works	UMU	P	ZN08

1 SUR Map No. 2015-002.

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4	<u>Property Location</u>	<u>Height District</u>	<u>Height & Bulk District</u>	<u>Sheet</u>
5		<u>To Be Superseded</u>	<u>Hereby Approved</u>	

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7	The northerly portion of	68-X	OS	HT08
8	Daggett Street between			
9	16th and 7th Streets as			
10	shown in Public Works			
11	SUR Map No. 2015-002.			

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13 Section 3. Effective and Operative Date. This ordinance shall become effective 30
 14 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
 15 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
 16 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. The zoning changes
 17 set forth in this ordinance shall be conditional and become operative only upon the effective
 18 date of the street vacation of the northerly portion of Daggett Street between 16th and 7th
 19 Streets in accordance with Public Works Code Section 787 and California Streets and
 20 Highways Code Sections 8300 et seq.

21 APPROVED AS TO FORM:
 22 DENNIS J. HERRERA, City Attorney

23 By: _____
 24 John D. Malamut
 Deputy City Attorney

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