

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

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

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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.

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

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15 Section 1. Findings.

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

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(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
25 sites with its influx of new residents. Therefore, new development in the Eastern

1 Neighborhoods is required under Planning Code Section 423 to pay the Eastern
2 Neighborhoods Infrastructure Impact Fee directly into the Eastern Neighborhoods Public
3 Benefit Fund to, among other infrastructure improvements, acquire and/or construct new open
4 space. Alternatively, project sponsors may propose to directly provide community
5 improvements to the City in lieu of fee payments. In such a case, the Planning Commission
6 may enter into an in-kind improvement agreement with the sponsor and issue a fee waiver for
7 the Eastern Neighborhoods Infrastructure Impact Fee in the amount of the cost of the
8 acquisition of property and/or proposed improvements.

9 (c) The June 2010 Showplace Square Open Space Plan identified a significant
10 opportunity for new open space on the approximately one-acre section of Daggett Street
11 between 16th and 7th Streets, owned by the Port of San Francisco and subject to the public
12 trust. The Eastern Neighborhoods Community Advisory Community (ENCAC), as well as
13 various City agencies, recommended use of the Eastern Neighborhoods Infrastructure Impact
14 Fee to support a new open space on this publicly-owned site. The ENCAC resolution is on
15 file with the Clerk of the Board of Supervisors in File No. _____.

16 (d) In 2012, the Planning Commission and Archstone Daggett Place, LLC ("Project
17 Sponsor"), which plans to develop a 453-unit rental development project, entered into an in-
18 kind agreement on the properties abutting Daggett Street, to build a new open space and
19 shared public way in this location in exchange for a waiver of a portion of its Eastern
20 Neighborhoods Infrastructure Impact Fee. The Planning Commission and the Project
21 Sponsor entered into the 1000 16th Street In-Kind Improvement Agreement dated as of
22 November 29, 2012 (the "In-Kind Agreement"). Project Sponsor will provide the additional
23 cost of construction of the initial park improvements and shared public way and maintenance
24 of the open space as a gift to the City. Planning Commission Resolution No. _____

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1 approving the In-Kind Agreement and the Agreement are on file with the Clerk of the Board of
2 Supervisors in File No. _____.

3 (e) The Showplace Square/Potrero Hill area will benefit greatly from this new local
4 amenity, facilitated by the adjacent new residential development by Project Sponsor, as
5 adequate resources have not been available to fund a significant new open space in this Plan
6 Area,.

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

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

23 (h) To facilitate establishment of the Daggett Park open space, this legislation would
24 conditionally change the zoning of a portion of Daggett Street between 16th Street and 7th
25 Street from the adjacent zoning district of UMU (Urban Mixed Use)/68-X Height and Bulk

1 District to P (Public)/OS (Open Space). This zoning change would become operative on the
2 effective date of the street vacation of the northern portion of this street segment in
3 accordance with Public Works Code Section 787 and California Streets and Highways Code
4 Sections 8300 et seq. The street vacation, Public Works SUR Map No. _____ showing
5 the area to be vacated, and other related approvals and actions are in companion legislation
6 in file with the Board of Supervisors in Clerk’s File No. _____ and incorporated
7 herein by reference.

8 (i) The Daggett Park project (“Project”) was included in the adjacent 1000 16th Street
9 mixed-use project and obtained project specific environmental clearance through a Final
10 Environmental Impact Report (“FEIR”) prepared in accordance with the California
11 Environmental Quality Act (Public Resources Code Sections 21000 et seq.) in Planning Case
12 No. 2003.0527E. As part of various actions related to the adjacent development, including
13 approval of an in-kind agreement for the construction of Daggett Park, the Planning
14 Commission adopted California Environmental Quality Act findings in Resolution Nos. 18419
15 and 185752, copies of which are in Clerk of the Board of Supervisors in File No.
16 _____, and incorporated herein by reference. The Board adopts these findings as its
17 own.

18 (j) The Board finds that no substantial changes are proposed to the Project or the
19 circumstances under which the Project is undertaken that would cause new significant
20 environmental effects or any increase in the severity of previously identified significant effects
21 in the FEIR. The Board further finds there is no new information of substantial importance
22 showing that the Project would have any significant effects not discussed in the FEIR, that
23 significant effects would be substantially more severe, or that new or different mitigation
24 measures or alternatives would substantially reduce one or more significant effects, if any, of
25 the Project.

1 (k) On _____, 2015, the Planning Commission, in Resolution No. _____,
 2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
 4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 (l) In Resolution No. _____, the Planning Commission also determined, in
 7 accordance with Planning Code Section 302, that the ordinance will serve the public
 8 necessity, convenience, and general welfare. The Board adopts this determination as its own.

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 10 Section 2. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of
 11 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>	
15 The northerly portion of 16 Daggett Street between 17 16th and 7th Streets as 18 shown in Public Works 19 SUR Map No. _____.	UMU	P	ZN08

<u>Property Location</u>	<u>Height District</u>	<u>Height & Bulk District</u>	<u>Sheet</u>
	<u>To Be Superseded</u>	<u>Hereby Approved</u>	
25 The northerly portion of	68-X	OS	HT08

1 Daggett Street between
2 16th and 7th Streets as
3 shown in Public Works
4 SUR Map No. _____.

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

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15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the “Note” that appears under
20 the official title of the ordinance.

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

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

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