



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendments HEARING DATE: JULY 2, 2015

Project Name: Rezoning of Portion of the Daggett Street Right-of-Way to Public Use/Open Space Zoning
Case Number: 2015-007030MAP [Board File No. 150586]
Initiated by: Supervisor Cohen
Staff Contact: Steve Wertheim, Citywide Planning
steve.wertheim@sfgov.org, 415-558-6612
Reviewed by: Aaron Starr, Director of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval of the Draft Ordinance**

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ZONING MAP AMENDMENT

The proposed Ordinance would amend the Zoning Map (Sheet ZN08) and Height Map (Sheet HT08) for the Daggett Street Right-of-Way.

The Way It Is Now:

Daggett Street right-of-way has a zoning of Urban Mixed Use (UMU)/68-X Height and Bulk.

The Way It Would Be:

The proposed Ordinance would rezone the northerly portion of the Daggett Street right-of-way to Public (P)/Open Space (OS).

ISSUES AND CONSIDERATIONS

The rezoning of a portion of the Daggett Street Right-of-Way is part of a larger legislative package to facilitate the creation of a 0.9 acre public park at this location (see Attachment C). In addition to this legislation, the larger legislative package includes proposed legislation (BOS 150644) that would approve an agreement with the Port of San Francisco for the City's purchase of Daggett Street between 16th and 7th Streets; summarily vacate the northern portion of the street; authorize an interdepartmental transfer of the vacation area from Public Works to the Real Estate Division of the Office of the City Administrator for public open space; modify the official public right-of-way width, change the official sidewalk width, and change the official grade on the remaining portion of Daggett Street; accept a gift from Archstone Daggett Place, LLC, for certain park improvements on the portion of Daggett Street to be vacated; approve a major encroachment permit for the shared public way improvements on the remaining southerly portion of Daggett Street; delegate to the Director of Public Works the authority to accept other required public improvements associated with the adjacent development project; and authorize the Director of Property to execute a license agreement for the maintenance of the vacation area.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

This legislation is a one of several legislative actions required to create a park at this location. This area was identified in the 2008 Showplace Square/Potrero Hill Area Plan as an area of need for open space, and the potential for a park at this specific location was identified in the 2010 Showplace Square Open Space Plan. Since 2010 the Department has been working with the project sponsor of the adjacent development on an In-Kind Agreement by which the sponsor would construct a park at this location in return for a waiver of a portion of their impact fees. The updated and amended version of the In-Kind Agreement will be before the Planning Commission on July 9, 2015 for Commission action.

During this time, the Office of Economic and Workforce Development (OEWD) has worked in concert with the Planning Department and multiple other agencies to facilitate the creation of this park, including procurement of a State grant to buy the land from the Port, agreement by the State and Port to remove the public trust, and the creation of the rest of legislative package (BOS 150644), introduced June 16, 2015 (which is not required to come before the Planning Commission). The adoption of BOS 150586 and 150644 would facilitate the construction of this new public park, which would be expected to be completed in 2016.

ENVIRONMENTAL REVIEW

California Environmental Quality Act ("CEQA") clearance under Planning Department Case No. 2003.0527E Daggett Place Final Environmental Impact Report. No further environmental review necessary (see Attachment D).

PUBLIC COMMENT

The Planning Department has not received any public comment on this item as of June 25, 2015.

RECOMMENDATION:	Recommendation of Approval
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Attachments

- A. Proposed Ordinance – BOS 150586
- B. Draft Planning Commission Resolution
- C. Maps of the Daggett Street Right-of-Way
- D. Environmental Documentation

**Attachment A –
Proposed Ordinance – BOS 150586**

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

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

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

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

Section 1. Findings.

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

(b) In order to provide these new open spaces, significant funding beyond existing City resources is necessary to acquire, develop, and maintain the necessary new open spaces. One potential source of funds is new residential development that could contribute to the capital costs of open space. New residential development directly impacts the existing park 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. _____
25

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.

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

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

Section 2. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of 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 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>	
The northerly portion of	68-X	OS	HT08

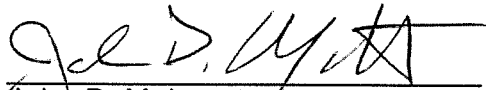
1 Daggett Street between
2 16th and 7th Streets as
3 shown in Public Works
4 SUR Map No. _____.

5
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.

14
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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**Attachment B –
Draft Planning Commission Resolution**



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE JULY 2, 2015

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Reviewed by: Aaron Starr, Director of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval of the Draft Ordinance**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE AMENDING THE PLANNING CODE AND ZONING MAP TO REZONE A PORTION OF DAGGETT STREET BETWEEN 16TH STREET AND 7TH STREET FROM URBAN MIXED USE/68-X HEIGHT AND BULK DISTRICT TO PUBLIC USE/OPEN SPACE AS PART OF THE ESTABLISHMENT OF THE DAGGETT PARK; AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

PREAMBLE

WHEREAS, on June 2, 2015 Supervisor Cohen (hereafter "legislative sponsor") introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150586 that would amend the Zoning Map Sheet ZN08 and Height Map Sheet HT08 of the City and County of San Francisco to rezone the Daggett Street Right-of-Way from Urban Mixed Use (UMU)/68-X Height and Bulk to Public (P)/Open Space (OS); and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, Planning Code Section 302 and the eight priority policies of Planning Code, Section 101.1; and

Whereas, on July 2, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval of the proposed Ordinance; and

Whereas, the Planning Department (hereinafter "Department") determined that the Project received California Environmental Quality Act (CEQA) clearance under Planning Department Case No. 2003.0527 Daggett Place Final Environmental Impact Report, and that no further environmental review is necessary; and

Whereas, 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; and

Whereas, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval of the proposed Ordinance and adopts the attached Draft Resolution to that effect.

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. As San Francisco continues to grow and develop, the need increases for well-maintained public open spaces that meet the demands of existing and new residents, workers, and visitors. The Showplace Square/Potrero Hill Area Plan, a part of the Eastern Neighborhoods Area Plan, identifies the need for additional open space to enhance livability in the Plan Area.
2. The June 2010 Showplace Square Open Space Plan identified a significant opportunity for new open space on the approximately one-acre section of Daggett Street between 16th and 7th Streets, owned by the Port of San Francisco and subject to the public trust. The Eastern Neighborhoods Community Advisory Community (ENCAC), as well as various City agencies, recommended use of the Eastern Neighborhoods Infrastructure Impact Fee to support a new open space on this publicly-owned site.
3. In 2012, the Planning Commission and Archstone Daggett Place, LLC ("Project Sponsor"), which is developing a 453-unit rental development project, entered into an in-kind agreement on the properties abutting Daggett Street, to build a new open space and shared public way in this location in exchange for a waiver of a portion of its Eastern Neighborhoods Infrastructure Impact Fee. The Planning Commission and the Project Sponsor entered into the 1000 16th Street In-Kind Improvement Agreement dated as of November 29, 2012 (the "In-Kind Agreement"). Project Sponsor will provide the additional cost of construction of the initial park improvements and shared public way and maintenance of the open space as a gift to the City.
4. The rezoning of the Daggett Street right-of-way to Public/Open Space is an essential part of ensuring that this land remains a park in perpetuity.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 2

INCREASE RECREATION AND OPEN SPACE TO MEET THE LONG-TERM NEEDS OF THE CITY AND BAY REGION

Policy 2.1

Prioritize acquisition of open space in high needs areas.

SHOWPLACE SQUARE/POTRERO HILL AREA PLAN

OBJECTIVE 5.1

PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS, AND VISITORS

Policy 5.1

Identify opportunities to create new public parks and open spaces and provide at least one new public park or open space serving the Showplace/Potrero.

Policy 5.2

Require new residential development and commercial development to provide, or contribute to the creation of publicly accessible open space.

6. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would likely benefit neighborhood-serving retail, as the proposed Daggett Park would be a place for the community to congregate, and therefore may improve opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would improve neighborhood character by providing a new public park.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for

resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not adversely affect our industrial and service sectors or future opportunities for resident employment and ownership in these sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an impact on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not adversely affect the City's landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would help facilitate the creation of a new City park, and would not have an impact on other parks and open spaces and their access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 2, 2015.

Jonas Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 2, 2015

**Attachment C –
Maps of the Daggett Street Right-of-Way**



ILLUSTRATIVE CONTEXT PLAN



DESIGN DEVELOPMENT PLAN



- ① Lawn (Flexible Open Space)

② Tilted Lawn (C.I.P. Concrete)

③ “Penta-Step” Landscape Feature (Precast Conc. & Wood)

④ Dog Run (Synthetic Turf)

⑤ Stadium Bench & Specimen Tree

⑥ Garden Edge (Mixed Native Planting/Butterfly Garden)

⑦ Park Bench

⑧ Planter at Grade

⑨ Gateway Art Feature (Arts Commission Project)

⑩ One-Way Drive Lane (12’ width, flush w/ park)

⑪ Detectable Warning Pavers

⑫ Bollards 36”-42” @ +/- 5’ O.C.

⑬ (6) Parallel Parking Spaces

⑭ Bike Parking

⑮ Informal Community Stage

⑯ Lawn Steps (6”x24”)

⑰ Cafe Seating Area

⑱ The Park Counter & Stools (Concrete & Steel)

⑲ C.I.P. Integral Color Conc. w/ Water Washed Finish or Unit Pavers, TBD

⑳ San Francisco Standard Park Entry Sign

㉑ 30” Conc. Wall w/42” Stainless Steel Picket Fence & Wood Bench

㉒ C.I.P. Integral Color Conc. w/Sandblast Finish

㉓ Driveway Curb Cut

㉔ Built in Bench w/36” Concrete Wall

*Note: The site is essentially flat and all paths within the Park will be accessible.

Attachment D – Environmental Documentation

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

5
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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
John D. Malamut
Deputy City Attorney

CEQA clearance under Planning Department
Case No. 2003.0527E Daggett Place Final
Environmental Impact Report. No further
environmental review necessary.

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