

**ENVIRONMENTAL IMPACT REPORT ADDENDUM
TRANSFER OF DAGGETT STREET
(1000 16TH STREET URBAN MIXED-USE PROJECT)**

SCH No. 2004112037

December 2014



Responsible Agency:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Lead Agency:

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Project Proponent:

San Francisco Port Commission
Pier 1, The Embarcadero
San Francisco, CA 94111

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1-1
1.1	PROJECT LOCATION AND BACKGROUND	1-1
1.2	ORIGINAL PROJECT	1-1
1.3	PROJECT MODIFICATION	1-1
1.4	PROJECT BACKGROUND AND OBJECTIVES	1-3
2.0	DESCRIPTION OF PROJECT MODIFICATION.....	2-1
2.1	ADDENDUM PURPOSE AND NEED	2-1
2.2	COMPONENTS OF PROJECT MODIFICATION.....	2-2
3.0	ENVIRONMENTAL ASSESSMENT.....	3-1
4.0	DETERMINATION/ADDENDUM CONCLUSION.....	4-1
5.0	ADDENDUM PREPARATION SOURCES AND REFERENCES.....	5-1
5.1	ADDENDUM PREPARERS	5-1
5.2	REFERENCES.....	5-1

LIST OF FIGURES

Figure 1.	Daggett Street Location	1-2
-----------	-------------------------------	-----

1

2 **1.1 PROJECT LOCATION AND BACKGROUND**

3 Daggett Street is a portion of sovereign land, reserved to the State by the Legislature
4 solely for street purposes. It is trapezoidal in shape and contains approximately 37,949
5 square feet. The parcel diagonally crosses between Blocks 3833 and 3834 and
6 intersects the north side of 16th Street and the west side of 7th Street in San Francisco,
7 California, as shown on Figure 1.

8 Daggett Street is a Paper Street (defined in Chapter 660, Statutes of 2007) and was
9 granted to the San Francisco Port Commission (Port) to hold in trust. Pursuant to
10 Chapter 660, Statutes of 2007 (Chapter 660) and in accordance with section 3 of
11 article X of the California Constitution, the Legislature authorized the City and County of
12 San Francisco, acting through the Port, to lease, sell, or otherwise transfer all or any
13 portion of Daggett Street to any person free of the public trust subject to the California
14 State Lands Commission (Commission) making certain findings prior to the transfer.
15 The Port proposes to sell, lease or transfer Daggett Street to the City and County of San
16 Francisco, acting as a municipality (City).

17 **1.2 ORIGINAL PROJECT**

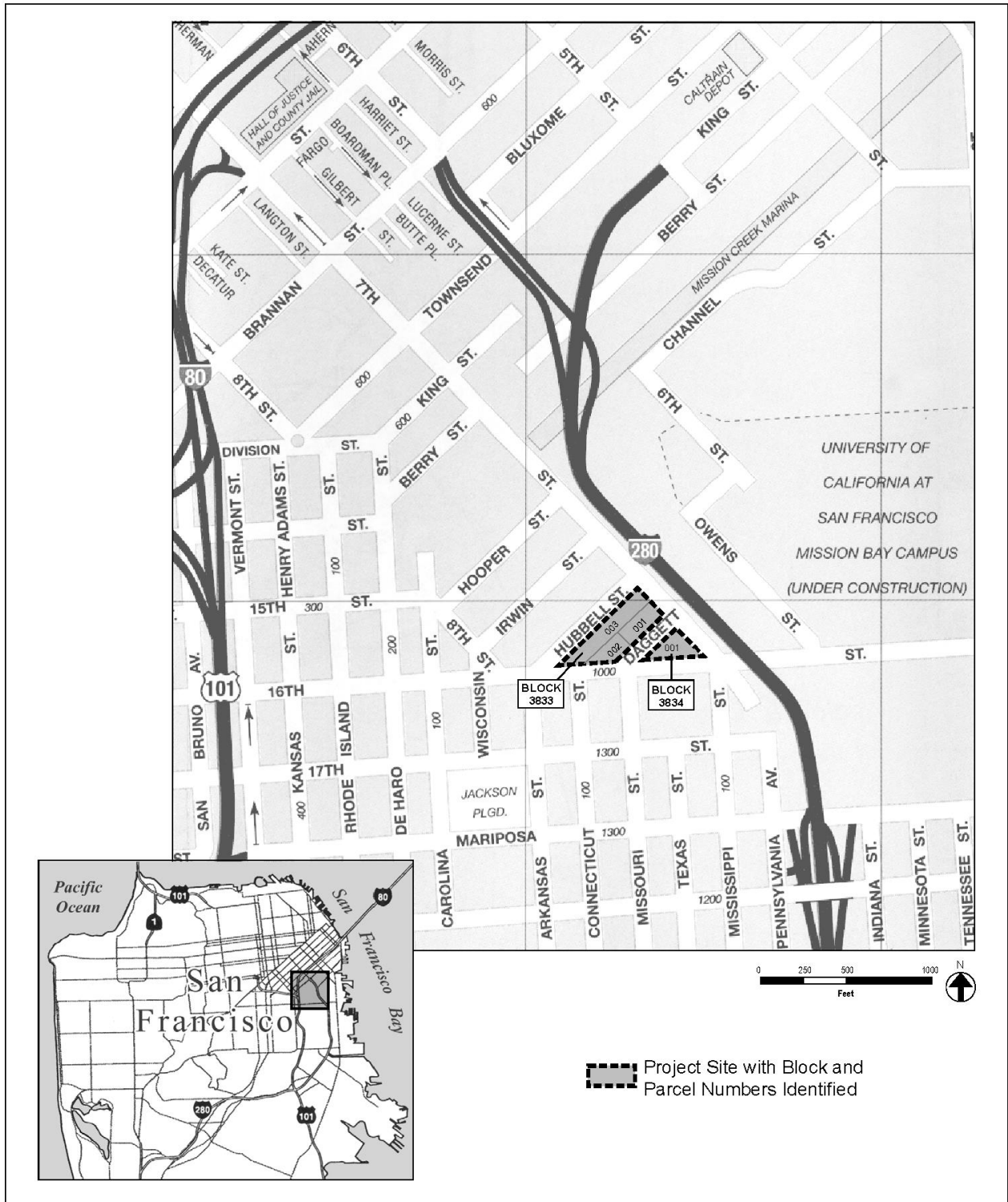
18 Daggett Street does not currently have any improvements but is proposed to be
19 improved with limited park amenities. An adjacent property, 1000 16th Street, which
20 abuts the two parallel sideline boundaries, is proposed to be improved with two multi-
21 story buildings consisting of up to 470 dwelling units, 15,000 square feet of retail,
22 approximately 11,100 square feet of production, distribution, and repair (PDR) uses,
23 and parking for up to 306 vehicles.

24 The City plans to use the land comprising the Daggett Street parcel as a park to benefit
25 the surrounding proposed development project. As lead agency under the California
26 Environmental Quality Act (CEQA), the City prepared an Environmental Impact Report
27 (EIR), State Clearinghouse [SCH] No. 2004112037, for the overall 1000 16th Street
28 Urban Mixed-Use Project (1000 16th Street Project) described above, which includes
29 converting Daggett Street into a park. The developer of the 1000 16th Street Project
30 would be obligated to construct and maintain the proposed park in lieu of paying a
31 portion of the development fees.

32 **1.3 PROJECT MODIFICATION**

33 The EIR prepared by the City does not refer to the termination of the common law
34 Public Trust Doctrine on Daggett Street nor the lease, sale or other transfer of Daggett
35 Street from the Port to the City. Therefore, the Commission, as a CEQA responsible
36 agency, has prepared this Addendum to analyze the termination of the public trust and

- 1 the transfer of the property from the Port to the City, including the Commission's
- 2 involvement (collectively, the Transfer) as part of the 1000 16th Street Project.



Source: California State Automobile Association, 2002

Figure 1. Daggett Street Location

1 1.4 PROJECT BACKGROUND AND OBJECTIVES

2 Beginning in the 1850s, much of the San Francisco waterfront was filled and reclaimed
3 to create a functional harbor pursuant to a series of state statutes. Portions of the filled
4 and reclaimed lands were cut off from the water as a result of these harbor
5 improvements and were conveyed into private ownership pursuant to legislative
6 authorization. Certain portions of these lands, including Daggett Street, were designated
7 as streets and were reserved to the State solely for street purposes. Subsequently, in
8 1968, pursuant to the Burton Act and the Burton Act transfer agreement, the State
9 conveyed certain State tidelands to the Port, including these Paper Street and other
10 filled tidelands, to hold in trust for public trust and Burton Act trust purposes.

11 Presently, none of the Paper Streets, including Daggett Street, as defined by Chapter
12 660, are used, suitable, or necessary for navigation or any other public trust purpose
13 other than revenue generation. The Paper Streets have been cut off from direct access
14 to the waters of San Francisco Bay by past filling of intervening property and do not
15 provide and are not needed for public access to the waterfront. The lands adjoining the
16 Paper Streets have been freed of the trust and have been or are proposed to be
17 developed for non-trust uses. The majority of the Paper Streets were either never
18 constructed as streets or have ceased to be used for street purposes.

2.0 DESCRIPTION OF PROJECT MODIFICATION

2.1 ADDENDUM PURPOSE AND NEED

Under CEQA, once an EIR has been certified for a project, no subsequent or supplemental EIR shall be required by the lead agency or any responsible agency unless one or more of the following events occurs:

- 1) Substantial changes are proposed in the project which will require major revisions of the EIR.
- 2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- 3) New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. (Pub. Resources Code, § 21166.)

The State CEQA Guidelines section 15162, subdivision (a) provides additional information on when the above events trigger the need for a subsequent EIR. A subsequent EIR is required if:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

1 D. Mitigation measures or alternatives which are considerably different from
2 those analyzed in the previous EIR would substantially reduce one or
3 more significant effects on the environment, but the project proponents
4 decline to adopt the mitigation measure or alternative.

5 When none of the above events has occurred, yet some changes or additions are
6 necessary, an addendum is required. (State CEQA Guidelines, § 15164.)¹

7 As explained below, none of the conditions described in State CEQA Guidelines section
8 15162 calling for preparation of a subsequent EIR has occurred. This Addendum
9 supports the conclusion that the Transfer does not result in any new significant
10 environmental effects or a substantial increase in the severity of previously identified
11 significant effects. There are no new mitigation measures or alternatives available that
12 would substantially reduce the environmental effects beyond those previously described
13 in the EIR. As a result, an addendum is an appropriate CEQA document for the
14 Commission's analysis and consideration of both the 1000 16th Street Project and the
15 termination of the public trust and the transfer of the property from the Port to the City.

16 Circulation of an addendum for public review is not necessary (State CEQA Guidelines,
17 § 15164, subd. (c)); however, the addendum must be considered in conjunction with the
18 Final EIR by the decision-making body (State CEQA Guidelines, § 15164, subd. (d)).

19 **2.2 COMPONENTS OF PROJECT MODIFICATION**

20 Under section 3 of article X of the California Constitution, the State may sell tidelands
21 that were reserved to the State solely for street purposes subject to such conditions the
22 Legislature determines to be necessary to protect the public interest, if the Legislature
23 finds and declares that the tidelands are not used or necessary for navigation purposes.

24 In Chapter 660 and in accordance with section 3 of article X of the California
25 Constitution, the Legislature found that the Paper Streets were reserved to the State
26 solely for street purposes and that the Paper Streets are no longer used or necessary
27 for navigation purposes. The Legislature authorized the Port, consistent with the State
28 Constitution, to lease, sell, or otherwise transfer all or any portion of the Paper Streets,
29 or any interest therein, to any person free of the public trust, the Burton Act trust, and
30 any additional restrictions on use or alienability created by the Burton Act transfer
31 agreement with the condition that, prior to any transfer, the Commission make certain
32 findings at a regular open meeting with the proposed transaction as a properly
33 scheduled agenda item. These findings include that the land is sold at fair market value,
34 that the Paper Street has been filled and reclaimed, is cut off from access to the waters,

¹ This Addendum does not address other CEQA exemptions that may be applicable to this Transfer (such as State CEQA Guidelines §§ 15317 [open space contracts or easements], 15332 [in-fill development projects], and 15061, subd. (b)(3) [common sense exemption]).

1 is no longer needed or required for the promotion of the public trust, and will not
2 interfere with public trust uses and purposes once sold. The Commission must also
3 declare that the lease, sale, or transfer is consistent with the findings of section 2 of
4 Chapter 660 and is in the best interests of the State.

5 The lease or sale of Daggett Street would not be effective until the Commission has
6 made the above findings and declarations. Once the Commission has made these
7 findings, the Port could lease the property free of the public trust or the Commission
8 may effectuate a sale of Daggett Street by transferring to the Port, by patent, all of the
9 State's right, title, and interest in the Paper Street free of the public trust, subject to
10 mineral reservations. The Port could then sell the Paper Street to the City free of the
11 public trust. The purpose of this Addendum to the certified EIR is to verify that the
12 proposed termination of the public trust on Daggett Street and the transfer of Daggett
13 Street from the Port, including the Commission's involvement, would not cause
14 significant, adverse impacts to the environment.

3.0 ENVIRONMENTAL ASSESSMENT

1
2 This comparative analysis has been undertaken to analyze whether the proposed
3 Transfer, as part of the overall 1000 16th Street Project, would have any significant
4 environmental impacts that are not addressed in the Final EIR. The comparative
5 analysis discusses whether impacts are increased, decreased, or unchanged from the
6 conclusions discussed in the Final EIR. The comparative analysis also addresses
7 whether any changes to mitigation measures are required.

8 **Aesthetics/Light and Glare.** The Transfer would result in the same development and
9 land use as that analyzed for the Final EIR for the 1000 16th Street Project. Therefore,
10 no new impacts have been identified and no new mitigation measures are required.

11 **Agriculture Resources.** As was the case with the Final EIR for the 1000 16th Street
12 Project, the Transfer would not affect farmland, agricultural uses, or forest land.
13 Therefore, no new impacts have been identified and no new mitigation measures are
14 required.

15 **Air Quality.** The Transfer would not affect the proposed construction activities as
16 analyzed in the Final EIR for the 1000 16th Street Project. The Transfer would not
17 change the number of vehicle trips as analyzed in the Final EIR, resulting in the same
18 operational air emissions. Thus, no new impacts have been identified and no new
19 mitigation measures are required.

20 **Biological Resources.** With implementation of the Transfer, construction activities
21 would occur over the same development footprint as the Final EIR for the 1000 16th
22 Street Project. The Transfer would also not result in conflict with local policies,
23 ordinances, or plans, similar to the Final EIR for the 1000 16th Street Project. No new
24 impacts have been identified and no new mitigation measures are required.

25 **Cultural Resources.** The Transfer would result in the same construction activities as
26 analyzed in the Final EIR for the 1000 16th Street Project. No new impacts have been
27 identified and no new mitigation measures are required.

28 **Geology and Soils.** The Transfer would result in the same impacts regarding geology
29 and soils since the Transfer would not modify the proposed development area. No new
30 impacts have been identified and no new mitigation measures are required.

31 **Greenhouse Gas (GHG) Emissions.** The Transfer would result in the same
32 construction activities as analyzed in the Final EIR for the 1000 16th Street Project in
33 regards to grading and construction activities as well as long-term trip
34 generation/distribution. Thus, the Transfer would not result in increased GHG emissions
35 other than those analyzed in the Final EIR for the 1000 16th Street Project. No new
36 impacts have been identified and no new mitigation measures are required.

1 **Hazards and Hazardous Materials.** The Transfer would not alter construction activities
2 and operations, and would, therefore, result in similar hazard and hazardous materials-
3 related impacts as analyzed in the Final EIR for the 1000 16th Street Project. No new
4 impacts have been identified and no new mitigation measures are required.

5 **Hydrology and Water Quality.** The Transfer would not alter any proposed grading,
6 drainage, and/or resultant discharge patterns for the site and surrounding area,
7 compared to those analyzed in the Final EIR for the 1000 16th Street Project. No new
8 impacts have been identified and no new mitigation measures are required.

9 **Land Use and Planning.** The Transfer would not result in any changes to the proposed
10 land uses that were outlined in the Final EIR. No new impacts have been identified and
11 no new mitigation measures are required.

12 **Mineral Resources.** The Transfer will not affect any mineral rights at the site, and,
13 therefore, no new impacts have been identified and no new mitigation measures are
14 required.

15 **Noise.** The Transfer would not result in any new long-term mobile and stationary noise
16 impacts. No changes to grading or construction activities would occur. No increases to
17 vehicles trips would occur. No new impacts have been identified and no new mitigation
18 measures are required.

19 **Population and Housing.** The Transfer would not result in an increase in population
20 or housing. No new impacts pertaining to housing displacement would occur. No new
21 impacts have been identified and no new mitigation measures are required.

22 **Recreation.** The Transfer would not result in any changes to the proposed recreational
23 facilities or passive open space use of the site and no new demands for recreational
24 facilities would result. Thus, no new impacts have been identified and no new mitigation
25 measures are required.

26 **Transportation/Circulation.** The Transfer would not result in an increase in trip
27 generation. The circulation system would be unchanged. No new impacts have been
28 identified and no new mitigation measures are required.

29 **Public Services.** The Transfer would not result in an increase in demands on public
30 services. No new impacts have been identified and no new mitigation measures are
31 required.

32 **Utilities and Service Systems.** The Transfer would not result in an increase in demand
33 on utilities and service systems from that considered for the Final EIR for the 1000 16th
34 Street Project. No new impacts have been identified and no new mitigation measures
35 are required.

4.0 DETERMINATION/ADDENDUM CONCLUSION

1
2 As detailed in the analysis presented above, this Addendum supports the conclusion
3 that the changes to the overall 1000 16th Street Project by including the Transfer do not
4 result in any new significant environmental effects or a substantial increase in the
5 severity of previously identified significant effects. No new information has become
6 available and no substantial changes to the circumstances under which the overall 1000
7 16th Street Project is being undertaken have occurred since certification of the EIR. No
8 substantial changes are required for the proposed Transfer, compared to those
9 analyzed in the EIR. There are no new mitigation measures required and no new
10 alternatives are available that would substantially reduce the environmental effects
11 beyond those previously described in the EIR. Therefore, the Commission has
12 determined that no subsequent or supplemental EIR is required.

1 **5.0 ADDENDUM PREPARATION SOURCES AND REFERENCES**

2 **5.1 ADDENDUM PREPARERS**

- 3 Sharron Scheiber, Staff Counsel, CSLC
4 Cynthia Herzog, Senior Environmental Scientist, Division of Environmental Planning
5 and Management, CSLC
6 Eric Gillies, Asst. Chief, Division of Environmental Planning and Management, CSLC
7 Cy Oggins, Chief, Division of Environmental Planning and Management, CSLC

8 **5.2 REFERENCES**

- 9 San Francisco Planning Department, *1000 16th Street Urban Mixed-Use Project*
10 *Final Environmental Impact Report*, dated April 16, 2009, and certified August 15,
11 2011.