



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20443

HEARING DATE: MAY 2, 2019

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Record No.: 2016-011011GPR
Project: STREET VACATION ON DAVIS AND VALLEJO STREETS
FOR THE TEATRO ZINZANNI DEVELOPMENT PROJECT
Project Address: SEAWALL LOTS 323 AND 324 (DBA TEATRO ZINZANNI)
Zoning: C-2 (Community Business) Zoning District
40-X Height and Bulk District
Waterfront Special Use District No. 3
Article 10 Northeast Waterfront Landmark District
Project Sponsor: Jay Wallace
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ADOPTING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 FOR THE PROPOSED STREET VACATIONS OF PORTIONS OF VALLEJO STREET AND DAVIS STREET FOR THE TEATRO ZINZANNI DEVELOPMENT PROJECT, WITH CONDITIONS.

PREAMBLE

WHEREAS, Section 4.105 of the City Charter and Section 2A.53 of Administrative Code require General Plan referrals to the Planning Commission (hereinafter "Commission") for certain matters, including determination as to whether the lease or sale of public property, the vacation, sale or change in the use of any public way, transportation route, ground, open space, building, or structure owned by the City and County, would be in conformity with the General Plan prior to consideration by the Board of Supervisors.

WHEREAS, On August 25, 2016, the Planning Department received a General Plan Referral Application submitted by Jay Wallace, the Agent for TZK Broadway, LLC, developer of project at Seawall Lots 323 and 324 (the "Project"), for various street vacations necessary for the construction of a new mixed-use development at this site.

WHEREAS, the Project Site consists of two lots located at or near the northwest corner of the Embarcadero and Broadway in San Francisco, along with portions of Vallejo Street and Davis Street, within the C-2 – Community Business Zoning District and a 40-X Height and Bulk District. In total, the site is approximately 42,719 square feet in size (excluding the portions of Vallejo Street and Davis Street). The Project proposes demolition of a surface parking lot on Seawall Lots 323 and 324 to construct a new mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an

approximately 112,700 gsf hotel that would accommodate 192 guest rooms, and; an approximately 14,000 gsf privately financed and maintained public park.

WHEREAS, the proposed street vacation on portions of Vallejo Street and Davis Street would facilitate the Teatro ZinZanni Development Project at the scale of development contemplated in the Waterfront Land Use Plan (WLUP) while providing much needed open space areas within the Northeastern Waterfront Area Plan and extend the existing connections between the Northeastern Waterfront and the Golden Gate National Recreation Area along the Embarcadero. Currently, Vallejo Street does not exist as an actual road and the easement bisects the Project Site at the location contemplated for the proposed privately-owned publicly-accessible park, and the continued existence of a functional public street would make this park space infeasible. The proposed street vacation area would be incorporated into the proposed park. Currently, Davis Street does not exist as an actual road and the easement is included in the existing surface parking lot which bisects the Project Site and the television station to the west. The proposed park is an approximately 13,000 square foot open area with walkways at ground elevation. The proposed vacations on Vallejo Street and Davis Street would expand the public's use of the proposed privately-owned publicly-accessible park and maintain interconnectivity with subsequent permanent declaration of public access covenants and restrictions for pedestrian access and an emergency vehicle and large trucks access easement (See Exhibit B in Case No. 2015-016326CUA).

WHEREAS, the proposed street vacation of portions of Vallejo Street and Davis Street would incorporate these portions of the streets into the proposed privately-owned publicly-accessible park. The proposed vacations on Vallejo Street and Davis Street would expand the public's access to the Embarcadero with subsequent permanent declaration of public access covenants and restrictions for pedestrian access (See Exhibit B in Case No. 2015-016326CUA).

WHEREAS, In lieu of the current easement of Vallejo Street from Davis Street to the Embarcadero, Vallejo Street would continue to be routed as it exists at a 90-degree angle to the south to Davis Street.

WHEREAS, In lieu of the current easement of Davis Street from Vallejo Street to the Embarcadero, Davis Street would continue to be routed as it exists at a 90-degree angle to the west to Vallejo Street.

WHEREAS, the Project proposes to vacate approximately 14,461 square feet of street including approximately 4,842 square feet of Vallejo Street and approximately 9,619 square feet of Davis Street under the specific configurations as described below (See "EXHIBIT B" in Case No. 2015-016326CUA):

Vallejo Street Vacation – Vallejo Street is currently a 68.75' wide street running west of Davis Street to the Embarcadero. The Project proposes to vacate Vallejo Street west of Davis Street for a length of 87.84' on its southerly side and a width of 68.75' (for the total area of approximately 4,842 square feet).

The area proposed for the Vallejo Street vacation is generally bounded by Assessor's Block No. 0139, Lot No. 002 to the south and Assessor's Block No. 0138, Lot No. 001 to the north. The area proposed for the Davis Street vacation is generally bounded by Assessor's Block No. 0138, Lot No. 001 to the east and Assessor's Block No. 0137, Lot No. 001 to the west.

Davis Street Vacation – Davis Street is currently a 69.79' wide street running north of Vallejo Street to the Embarcadero. The Project proposes to vacate Davis Street north of Vallejo Street for a length of 250.29' on its westerly side and a width of 69.79' (for the total area of approximately 9,619 square feet).

The full length of vacated area on Vallejo Street and Davis Street would be subject to a non-exclusive public easement for pedestrian access and will be open 24 hours per day and seven days a week and will be fully open and feature no gates or other physical restrictions to pedestrian access. The Vallejo Street vacation area (not occupied by the entertainment venue) will be accessible by pedestrians between Davis Street and the Embarcadero and the Davis Street vacation area will be accessible by pedestrians between Vallejo Street and the Embarcadero via the proposed privately-owned publicly-accessible park.

The vacation area would become part of the privately-owned publicly accessible park. This area would be accessible by pedestrians primarily from the Embarcadero and from Davis Street. The vacated portion of Vallejo Street and Davis Street is proposed by the Project Sponsor to be accessible to the public 24 hours per day, 7 days a week through a permanent declaration of public access covenants and restrictions.

WHEREAS, to provide consistency with General Plan policies pertaining to the vacation of City streets and to minimize the effects of the proposed street vacation per the Urban Design Element (Policy 2.9) the certain conditions are required to be met regarding hours of public access as well as design treatments on the vacated streets, publicly accessible private open spaces, or the continued alignment of Vallejo Street and Davis Street as described below:

WHEREAS, the Urban Design Element allows permitting street vacations so long as the greater public benefit of the vacation outweigh the loss of public ownership of the streets. To ensure that standard is met, the design and access of the proposed privately-owned publicly-accessible park provided at the street level must be seamlessly coordinated with the vacated areas to provide the highest quality open space that is publicly accessible at all times. To this end, the proposed park shall remain 24 hours of public access, seven days a week (See Exhibit B in Case No. 2015-016326CUA). This would enhance the pedestrian and public space along the Embarcadero and Davis Street with widened areas as public space. These enlarged public spaces are open to sky and accessible at all times. Consequently, this design would help advance the greater public benefit offered by this Project in exchange for the vacation of public rights-of-ways.

ENVIRONMENTAL REVIEW

The Department found that the Project could not have a significant impact on the environment pursuant to a final Mitigated Negative Declaration issued on December 21, 2018. The Planning Commission (hereinafter "Commission") has reviewed and concurs with said determination.

The proposal addresses the following relevant objectives and policies of the General Plan:

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the General Plan and Eight Priority Policies of Planning Code Section 101.1 as described below in the body of this letter. The Project as modified by the conditions described above, is on balance, in conformity with the following Objectives and Policies of the General Plan:

NORTHEASTERN WATERFRONT AREA PLAN ELEMENT

Objectives and Policies

OBJECTIVE 1:

TO DEVELOP AND MAINTAIN ACTIVITIES THAT WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S ECONOMIC VITALITY AND PROVIDE ADDITIONAL ACTIVITIES WHICH STRENGTHEN THE PREDOMINANT USES IN EACH SUBAREA OF THE NORTHEASTERN WATERFRONT, WHILE LIMITING THEIR CONCENTRATION TO PRESERVE THE ENVIRONMENTAL QUALITY OF THE AREA.

Policy 1.1

Accommodate where appropriate, additional activities which will strengthen the predominant economic functions of each subarea of the Northeastern Waterfront.

Policy 1.2

Consistent with other policies of this Plan, encourage uses on Port property which return revenue to the Port to support and improve its facilities.

The Project is consistent with the other policies of the City's General Plan and encourages uses that return revenue to the Port through a long-term ground lease payment, hotel transient occupancy tax revenue, possessory interest tax payments and other fees and taxes associated with the Project. The Project will replace an underutilized surface parking lot with three new public-serving uses that will strengthen the predominant economic functions of the gateway to North Beach and Chinatown, serve as an important feature of The Embarcadero and provide new public uses and economic functions that are consistent with many of the Policies, Objectives and plans set forth in the City's General Plan and its Northeastern Waterfront Area Plan, the Port of San Francisco's Waterfront Land Use Plan and Waterfront Design and Access Plan.

OBJECTIVE 2:

TO DIVERSIFY USES IN THE NORTHEASTERN WATERFRONT, TO EXPAND THE PERIOD OF USE OF EACH SUBAREA AND TO PROMOTE MAXIMUM PUBLIC USE OF THE WATERFRONT WHILE ENHANCING ITS ENVIRONMENTAL QUALITY.

Policy 2.1

Develop uses which generate activity during a variety of time periods rather than concentrating activity during the same peak periods.

Policy 2.2

Diversify activities to encourage the use of the Northeastern Waterfront by a broad spectrum of the population.

Policy 2.3

Encourage land uses having different peak periods of activity within each subarea of the Northeastern Waterfront to contribute to the area's diversity, to expand the period of use, to decrease peak period traffic congestion, to facilitate efficient use of the transit system and to preserve and enhance the environmental quality of the waterfront.

Policy 2.4

Promote the development of new maritime activities, public open space and public access improvements as part of major new development on piers.

The Project will include public open space and public access improvements in, around and adjacent to the Project Site and as an integral part of the Project. The Project involves uses that generate activity during a variety of time periods (i.e. guests arriving and departing from the Hotel at various hours, pedestrians strolling along The Embarcadero during mid-day and afternoon excursions, visiting the public park and patrons to the entertainment venue), rather than concentrating activity only during the AM or PM peak periods. The creation of the entertainment venue will contribute to the area's diversity and create new jobs in the area in the arts, culture, and hospitality industries consistent with this General Plan policy and Administrative Code 90A.2. The Project's use of off-site parking enhances numerous City policies and its adoption of convenient mass transit at the Project Site's front door will facilitate efficient use of the City's transit system. The Project will be designed with attention to details, streetscapes and landscape features and will be constructed consistent with the Secretary of the Interior's standards and Article 10 to ensure respect for the historic district and the waterfront.

OBJECTIVE 7:

TO STRENGTHEN AND EXPAND THE RECREATION CHARACTER OF THE NORTHEASTERN WATERFRONT AND TO DEVELOP A SYSTEM OF PUBLIC OPEN SPACES AND RECREATION FACILITIES THAT RECOGNIZES ITS RECREATIONAL POTENTIAL, PROVIDES UNITY AND IDENTITY TO THE URBAN AREA, AND ESTABLISHES AN OVERALL WATERFRONT CHARACTER OF OPENNESS OF VIEWS, WATER AND SKY AND PUBLIC ACCESSIBILITY TO THE WATER'S EDGE.

Policy 7.1

Develop recreation facilities attractive to residents and visitors of all ages and income groups.

Policy 7.2

Provide a continuous system of parks, urban plazas, water-related public recreation, shoreline pedestrian promenades, pedestrian walkways and street greenways throughout the entire Northeastern Waterfront.

Policy 7.3

Connect the recreation and open space facilities of the Northeastern Waterfront with those of the Golden Gate National Recreation Area.

Policy 7.4

Encourage and provide open space and public recreation facilities as part of any development, to provide facilities for people residing and working in the Northeastern Waterfront and in adjoining neighborhoods.

Policy 7.7

Where desirable and feasible, provide amenities which enhance public enjoyment of open spaces and public access areas by providing public restrooms, drinking fountains, information kiosks, sales of refreshments from push carts and other services.

Policy 7.11

Develop a continuous bicycle path along the Northeastern Waterfront that is linked with the city-wide bicycle route system.

The Project develops the new POPOS, a new publicly accessible open space that will be designed and constructed to be attractive to residents and visitors and will provide amenities to enhance public enjoyment of the new POPOS such as information kiosks, push carts and other services. The Project will add to the continuous system of parks, urban plazas, water-related public recreation, pedestrian promenades and walkways that already exist in the Northeastern Waterfront and will extend the existing connections between the Northeastern Waterfront and the Golden Gate National Recreation Area along The Embarcadero. The Project will be linked to the city-side bicycle route system and public bicycles and Class 1 and Class 2 bicycle parking in full compliance with City Codes will be a part of the Project.

OBJECTIVE 8:

TO FACILITATE THE MOVEMENT OF PEOPLE AND GOODS WITHIN THE NORTHEASTERN WATERFRONT IN SUCH A WAY AS TO MINIMIZE THE ADVERSE IMPACT OF THIS MOVEMENT.

Policy 8.1

Intercept and divert as much automobile traffic as feasible away from the water's edge and areas of intense pedestrian activity in order to make conditions more pleasurable, safe, and interesting for the pedestrian, and in order to facilitate the commercial and recreational development of the area.

Policy 8.2

Limit additional parking facilities in the Northeastern Waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) Short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) Long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Policy 8.7

Facilitate pedestrian access to the shoreline, including access for the handicapped, through the provision of convenient, safe pedestrian crossings along The Embarcadero. Provide promenades and walkways of sufficient width to accommodate comfortably and safely the movement of pedestrians throughout the Northeastern Waterfront.

The Project removes an existing parking facility near the water's edge and has been designed to locate parking away from the site by using shared parking at nearby facilities and to minimize the impact of parking by encouraging the use of transit and alternative forms of transportation, such as bicycles, walking and shared ride vehicles. The Project will facilitate pedestrian access to the inland side of the waterfront by providing a series of attractive amenities along The Embarcadero and will provide walkways of sufficient width as determined by relevant City agencies to accommodate all persons comfortably and safely.

OBJECTIVE 10:

TO DEVELOP THE FULL POTENTIAL OF THE NORTHEASTERN WATERFRONT IN ACCORD WITH THE UNUSUAL OPPORTUNITIES PRESENTED BY ITS RELATION TO THE BAY, TO THE OPERATING PORT, FISHING INDUSTRY, AND DOWNTOWN; AND TO ENHANCE ITS UNIQUE AESTHETIC QUALITIES OFFERED BY WATER, TOPOGRAPHY, VIEWS OF THE CITY AND BAY, AND ITS HISTORIC MARITIME CHARACTER.

Policy 10.1

Preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area. Larger buildings and structures with civic importance may be appropriate at important locations.

Policy 10.2

Preserve and create view corridors which can link the City and the Bay.

Policy 10.3

Use continuous planting and other ground surface treatment to physically and visually link the waterfront with adjacent inland areas.

Policy 10.9

Encourage the provision of street furniture which is of appropriate design to the historic maritime character of the Northeastern Waterfront.

Policy 10.13

Remove exposed surface parking from over water, and along the Embarcadero roadway to improve shoreline appearance and access to the Bay.

Policy 10.27

Locate buildings to minimize shadows and wind on public open spaces.

Waterfront views from Vallejo Street will not be substantially impacted due to the rising topography of Vallejo Street, the low height of the Project (40 feet) and the translucent (and bird-safe) design for the entertainment venue's glass pavilion. The Project will use planting and other ground surface treatment to physically and visually link the waterfront with adjacent land uses.

The Project is being built within the 40-X height and bulk district for the site thereby preserving the physical form of the waterfront and reinforcing San Francisco's hill form westerly from the Bay toward Telegraph Hill. Consistent with the Waterfront Land Use Plan, and other City policies. The Project will construct the new POPOS with public walkways and public open space around and through the Project Site which will provide new view corridors to the Bay and will provide new amenities in the neighborhood that will make for an inviting experience, in the place of a surface parking lot.

The entertainment venue and the hotel will attract many more members of the public to the waterfront, allowing a greater number of people to experience the historic district, other Port properties, and the Bay, and the POPOS will be a new public amenity for the neighborhood and the City.

OBJECTIVE 18:

TO DEVELOP A DIVERSITY OF ADDITIONAL ACTIVITIES WHICH WOULD STRENGTHEN THE EXISTING PREDOMINANT USES IN THE BASE OF TELEGRAPH HILL SUBAREA AND ACTIVITIES WHICH WOULD EXPAND THE PERIOD OF USE, BUT OF AN INTENSITY WHICH WOULD PROVIDE A RELIEF FROM THE ADJACENT DOWNTOWN AND FISHERMAN'S WHARF AREAS.

Policy 18.3

Encourage moderate development of uses such as shops, restaurants, entertainment and hotels which activate the waterfront during evenings and weekends, but to a lesser overall intensity and concentration than present in the adjacent downtown and Fisherman's Wharf areas.

Policy 18.4

Design new development on Seawall Lots 323 and 324 as an orientation point for the waterfront which also highlights the intersection of Broadway and The Embarcadero.

Policy 18.5

Plan and design new developments on inland sites and adjacent piers in a manner which complements and enhances the surrounding area, and which unites the waterfront with the rest of the City.

The Project involves a new development designed to conform to the site's height and bulk district (40X) involving restaurants, entertainment and a hotel that will activate the waterfront during evenings and weekends, as well as the new POPOS. It is designed to be an orientation point for the waterfront and its highlights the intersection of Broadway and The Embarcadero through the hotel's main entry point and enhancements to The Embarcadero and Broadway streetscapes and the unique entertainment venue and glass pavilion hosting Teatro Zinzanni and the historic entertainment tent.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.4

Support the development of signature public open space along the shoreline.

Policy 2.8

Consider repurposing underutilized City-owned properties as open space and recreational facilities.

Policy 2.12

Expand the Privately-owned Public Open Spaces (POPOS) requirement to new mixed-use development areas and ensure that spaces are truly accessible, functional and activated.

The Project repurposes part of the City-owned property for open space and creates a new park along the waterfront.

OBJECTIVE 3:

IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE

Policy 3.1

Creatively develop existing publicly-owned rights-of-way and streets into open space.

The Project takes a portion of the publicly-owned right-of-way and turns it into an open space.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.1

Recognize and protect major views in the city, with particular attention to those of open space and water.

Policy 1.2

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.5

Emphasize the special nature of each district through distinctive landscaping and other features.

Policy 1.6

Make centers of activity more prominent through design of street features and by other means.

Policy 1.8

Increase the visibility of major destination areas and other points for orientation.

The Project is designed to emphasize and be consistent with the Northeastern Waterfront Historic District and includes the distinctive glass pavilion for the entertainment venue and will become an orientation point as a gateway to North Beach and Chinatown. The Project does not impact any major views in the City because Vallejo Street is not designated as a street with a major view, as more particularly described below in response to Policy 10.2, nor does it alter the existing street pattern.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

No active, or planned-for active, "street areas" are being given up for private ownership or use, or for the construction of public buildings. Rather, the ROW Parcel is not currently used as street areas or for street purposes (instead it is a surface parking lot), and there is no plan to use the ROW Parcel for a street. Moreover, the Port is not "giving up" street areas for private ownership as the Port will remain the fee owner of the ROW Parcel. Additionally, POLICY 2.8 creates a rebuttable presumption that allows for the giving up of street areas in certain circumstances as set forth in Policy 2.9. The ROW Parcel vacation would be offset by the new POPOS which will provide the public with new park areas, passive recreational areas, walkways and pathways and enhance pedestrian walkways and sidewalks in and around the Project, as well as a new easement for an emergency vehicle truck access easement through the ROW Parcel for the benefit of the San Francisco Fire Department.

Policy 2.9

Review proposals for the giving up of street areas in terms of all the public values that streets afford.

The Project creates a new hotel, entertainment venue and POPOS on the ROW Parcel. There is no plan to use the ROW Parcel for street purposes. The Project also meets POLICY 2.9 because the publicly accessible uses proposed at the Project are consistent with the General Plan, Planning Code, Port Policies and State Lands requirements and the Project when judged against the criteria of POLICY 2.9 tips heavily in support of the Project.

Any impacts from the ROW Parcel vacation will be offset by the building of the new POPOS which will afford the public with new park areas, passive recreational areas, walkways and pathways and enhanced pedestrian walkways and sidewalks in and around the Project. The Project also includes a new easement for emergency vehicle truck access through the ROW Parcel that was designed for the benefit of the San Francisco Fire Department and has been endorsed by the Fire Department during the design process.

The POLICY 2.9 characteristics that support the Project's proposal for the giving up of street areas are as follows:

a. No release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation.

The Project will not cause any detriment to vehicular or pedestrian circulation insofar as the Project Site is not currently used for vehicular or pedestrian circulation but instead is used as a surface parking lot for short-term storage of private automobiles. There are no existing or future plans to use the ROW Parcel as a street and doing so would be contrary to City policy to reduce vehicular traffic on The Embarcadero.

2. Interference with the rights of access to any private property.

The Project will not interfere with the right of access to any private property.

3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement.

The Project will not inhibit access of fire protection but instead has been designed with the direct input of, and approval from, the San Francisco Fire Department and the Port's Fire Marshal to ensure that the San Francisco Fire Department has adequate and safe passage through and around the Project Site for any emergency purposes. Moreover, the Project will not interfere with utility lines or services as all Project approvals and permits will require coordination and compliance with utility providers requirements.

4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations.

The Project does not obstruct, diminish or eliminate a "significant view" insofar as the Vallejo Street view to Pier 9 is not considered a significant view as described previously in response to Policy 10.2, Page 10-11 of this Memo.

5. Elimination or reduction of open space which might feasibly be used for public recreation.

The Project will create the new park for use by the public and does not eliminate or reduce any open space.

6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility.

The Project does not propose to eliminate any street space adjacent to a public facility.

7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street.

The Project does not eliminate any street space that has formed the basis for creation of any lot or occupancy of any building.

8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk.

The Project would not result in additional dwelling units in a multi-family area, excessive density of workers in a commercial area and the building will be built to conform to the 40-X height and bulk district for the area.

9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment.

The Project not reduce street space, but instead creates the new POPOS that will be accessible to the public for public enjoyment.

10. Removal of significant natural features, or detriment to the scale and character of surrounding development.

The Project does not remove any significant natural feature because it is redeveloping an undeveloped, surface parking lot, nor does it cause any detriment to the scale and character of the surrounding area because it is being designed to conform to the 40-X height and bulk district for the area and in accordance with the Secretary of the Interiors Standards, the City's Planning Code Article 10, the Northeastern Waterfront Area Plan and the Port's Waterfront Land Use Plan.

11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.

The Project does not have an adverse effect any element of the General Plan or upon an area plan or other plan of the Department of City Planning. Rather, the Project is consistent with all of the other plans governing the Project Site.

12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

The site has been planned for a hotel, entertainment venue and park form more than two decades since the Port's Waterfront Land Use Plan was first adopted in 1996. As such, the ROW Parcel's use, and that of Seawall Lots 323 and 324, has been known for some time. Release of the ROW Parcel will facilitate a better and fully integrated design for the Project along The Embarcadero and the waterfront, as explained in greater detail in Section b. below.

As shown above, none of the 12 conditions that would discourage approval of a vacation action are present. Moreover, the vacation action meets the criteria listed under subsection b(1) and b(3), below, which results in a favorable finding in support of the proposed vacation given the following: (a) it would facilitate a public serving, Public Trust consistent project (hotel and entertainment venue) and (b) would create a signature public space, the POPOS, that would offer a variety of high quality public spaces. The vacation would also meet the criteria of subsection b(5) in that they specifically support and are consistent with the policies of the Waterfront Land Use Plan and the Waterfront Design and Access Plan.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment Project or other Project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern.

The Project allows for the Project to fulfill many of the Port's Waterfront Land Use Plan's preferred uses for the Project Site, which include preferred use designations for a hotel, theater and open space and the ROW Parcel vacation is necessary to complete the Project. Moreover, the Project meets this subsection of POLICY 2.9 because its streetscape improvements will improve the pattern of the existing street and pedestrian pattern in the area from its current state as a surface parking lot to new publicly accessible preferred uses. Additionally, the Project will create a new POPOS that will be accessible to the public which in addition to creating new open space will also improve pedestrian transit in and around the site without effecting the vehicular traffic at all on any of the four adjacent streets (The Embarcadero, Broadway, Davis and Vallejo).

2. In furtherance of an industrial Project where the existing street pattern would not fulfill the requirements of modern industrial operations.

This ROW Parcel vacation is not applicable to this subsection as the Project does not include an industrial project.

3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site.

The street vacation is necessary for the Project to be built because of the nature of the public assembly uses (i.e. theater, entertainment, cultural uses in the Entertainment venue) and hotel and open space uses designed for the public, all of which are allowed by the Public Trust doctrine on the Site. As the hotel and entertainment venue need to share back of house spaces, it is essential to the Project's success that these uses be located adjacent to each other which requires in turn that the released ROW Parcel be occupied by the theatre use and the park be located to the north of the theatre use. Each of these uses also conform to the preferred use designations of the Port's Waterfront Land Use

Plan, and which are consistent with the General Plan, the Northeastern Waterfront Area Plan and San Francisco Administrative Code Section 90A.

4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element.

The Project will create the new park that will have small-scale pedestrian walkways through the open space, including a paved crossing from Davis and Vallejo through the site to The Embarcadero and from Davis Street through the site to Green Street to the north.

5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The Project furthers the public values and purposes of streets as expressed in the Urban Design Element and elsewhere in the General Plan as described in the memorandum.

Policy 2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

The Project involves the ROW Parcel, which is an unmapped, undeveloped, right-of-way areas, not active or even proposed to be active street areas, and it will be constructed pursuant to a Port ground lease, which means that the Port will always retain ownership to the Project Site and the ROW Parcel. The Project also meets POLICY 2.10 because the release of the unused ROW Parcel furthers the public values and purposes of streets as expressed in the Urban Design Element and elsewhere in the General Plan and is consistent with the preferred uses for the Project Site as set forth in the Port's Waterfront Land Use Plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 16:

DEVELOP AND IMPLEMENT PROGRAMS THAT WILL EFFICIENTLY MANAGE THE SUPPLY OF PARKING AT EMPLOYMENT CENTERS THROUGHOUT THE CITY SO AS TO DISCOURAGE SINGLE-OCCUPANT RIDERSHIP AND ENCOURAGE RIDESHARING, TRANSIT AND OTHER ALTERNATIVES TO THE SINGLE-OCCUPANT AUTOMOBILE.

Policy 16.1

Reduce parking demand through the provision of comprehensive information that encourages the use of alternative modes of transportation.

Policy 16.3

Reduce parking demand through the provision of incentives for the use of carpools and vanpools at new and existing parking facilities throughout the City.

Policy 16.5

Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.

Policy 16.6

Encourage alternatives to the private automobile by locating public transit access and ride-share vehicle and bicycle parking at more close-in and convenient locations on-site, and by locating parking facilities for single-occupant vehicles more remotely.

The Project encourages alternatives to private automobiles, emphasizes public transit access and by utilizing off-site parking facilities and a comprehensive system of information technology to address transportation needs.

OBJECTIVE 17:

DEVELOP AND IMPLEMENT PARKING MANAGEMENT PROGRAMS IN THE DOWNTOWN THAT WILL PROVIDE ALTERNATIVES ENCOURAGING THE EFFICIENT USE OF THE AREA'S LIMITED PARKING SUPPLY AND ABUNDANT TRANSIT SERVICES.

Policy 17.2

Encourage collaboration and cooperation between property owners, neighboring uses and developers to allow for the most efficient use of existing and new parking facilities.

The Project encourages collaboration and cooperation between off-site parking facilities and the development.

OBJECTIVE 23:

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Policy 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

The Project will provide improved pedestrian movement in accordance with City standards.

OBJECTIVE 24:

IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.5

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open spaces or "living streets" by adding pocket parks in sidewalks or medians, especially in neighborhoods deficient in open space.

The Project transforms the ROW Parcel into a neighborhood-serving open space.

ENVIRONMENTAL PROTECTION ELEMENT
Objectives and Policies

OBJECTIVE 7:

ASSURE THAT THE LAND RESOURCES IN SAN FRANCISCO ARE USED IN WAYS THAT BOTH RESPECT AND PRESERVE THE NATURAL VALUES OF THE LAND AND SERVE THE BEST INTERESTS OF ALL THE CITY'S CITIZENS.

Policy 7.1

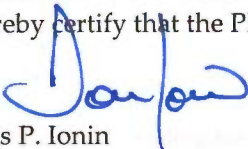
Preserve and add to public open space in accordance with the objectives and policies of the Recreation and Open Space Element.

The Project adds to public open space in accordance with applicable City and Port policies.

On May 2, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed findings of General Plan conformity with Application No. 2016-011011GPR.

NOW THEREFORE BE IT RESOLVED that the Commission hereby finds the proposed street vacations on portions of Vallejo Street and Davis Street, as modified by conditions described above, for the Teatro ZinZanni Development Project in Case No. 2015-016326CUA to be, on balance, consistent with the General Plan of the City and County of San Francisco, including, but not limited to the Urban Design Element, and consistent with the eight Priority Policies in City Planning Code Section 101.1 for reasons set forth in this Resolution.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 2, 2019.



Jonas P. Ionin
Commission Secretary

AYES: Hillis, Moore, Koppel, Richards, Johnson, Fung

NAYS: None

ABSENT: Melgar

ADOPTED: May 2, 2019