

1 [Street Vacation - Vallejo Street and Davis Street Right-of-Ways - Teatro ZinZanni
2 Development Project]

3 **Ordinance ordering the vacation of streets on a portion of the Vallejo Street right-of-**
4 **way, generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and**
5 **Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The**
6 **Embarcadero and a portion of the Davis Street right-of-way as part of improvements for**
7 **the Teatro ZinZanni hotel, entertainment venue, and public open space project; making**
8 **findings about the Mitigated Negative Declaration under the California Environmental**
9 **Quality Act; adopting findings that the actions contemplated in this Ordinance are**
10 **consistent with the General Plan, and the eight priority policies of Planning Code,**
11 **Section 101.1; and authorizing official acts in connection with this Ordinance, as**
12 **defined herein.**

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

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

21 Section 1. Findings.

22 (a) California Street and Highways Code Sections 8300 et seq. and San Francisco
23 Public Works Code Section 787(a) set forth the procedures that the City and County of San
24 Francisco follows to vacate public streets and public service easements.

25 (b) The Board of Supervisors finds it appropriate to pursue a street vacation of a
portion of a portion of the Vallejo Street Right-of-Way, generally bounded by Assessor's Block
0138/001 and 0139/002 between Davis Street and The Embarcadero and a portion of the

1 Davis Street Right-of-Way generally located between Broadway and The Embarcadero, as
2 part of improvements for the Teatro ZinZanni hotel, entertainment venue and public open
3 space project (the "Project"), which Project will be developed at Seawall Lots 323 and 324 and
4 the areas being vacated pursuant to this ordinance (collectively, the "Project Site") pursuant to
5 a Lease Disposition and Development Agreement ("LDDA") and Lease ("Lease"), both
6 between TZK Broadway, LLC ("TZK" or "Developer") and the San Francisco Port Commission
7 ("Port").

8 (c) The location and extent of the area to be vacated (the "Vacation Area") is more
9 particularly shown on Public Works ("PW") SUR Map No. 2019 - 005, dated October 1, 2019,
10 2019. A copy of this map is on file with the Clerk of the Board of Supervisors in File
11 No. 191181 and is incorporated herein by reference.

12 (d) On January 14, 2020, the Board of Supervisors adopted Resolution No. 001-20
13 (the "Resolution of Intention"), being a resolution declaring the intention of the Board of
14 Supervisors to vacate a portion of the Vallejo Street Right-of-Way, generally bounded by
15 Assessor's Block 0138/001 and 0139/002 between Davis Street and The Embarcadero and a
16 portion of the Davis Street Right-of-Way generally located between Broadway and The
17 Embarcadero. The Vacation Area is currently used as a surface parking lot with no vehicular
18 access to The Embarcadero. A copy of this Resolution is on file with the Clerk of the Board of
19 Supervisors in File No. 191179.

20 (e) The Clerk of the Board of Supervisors did transmit to the Director of Public Works
21 ("PW Director") a certified copy of the Resolution of Intention, and the PW Director did cause
22 notice of adoption of such resolution to be posted and the Clerk of the Board of Supervisors
23 published notice, both in the manner required by law.

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1 (f) When such matter was considered as scheduled by the Board of Supervisors at its
2 regular meeting held in the San Francisco City Hall, on February 11, 2020, the Board heard
3 public testimony about the vacation of the Vacation Area.

4 (g) In PW Order No. 202202, dated November 8, 2019, on file with the Clerk of the
5 Board of Supervisors in File No. 191181 the PW Director determined (a) the Vacation Area is
6 unnecessary for the City's present or prospective public street, sidewalk, and service
7 easement purposes; (b) in accordance with Streets and Highways Code Sections 892 and
8 8314, the portions of the Vallejo Street Right-of-Way and the Davis Street Right-of-Way within
9 the Vacation Area are no longer useful as a non-motorized transportation facility; and (c) the
10 vacation of the Vacation Area will not be effective unless all conditions to executing the Lease
11 are satisfied or waived by the respective parties and the Lease is executed by the Port and
12 the Developer and becomes effective.

13 (h) The City Planning Commission, in Resolution No. 20443, dated May 2, 2019,
14 determined that the proposed vacation of the Vacation Area and other actions contemplated
15 herein are consistent with the General Plan and priority policies of the Planning Code, Section
16 101.1. A copy of Resolution No. 20443 is on file with the Clerk of the Board of Supervisors in
17 File No. 191181 and is incorporated herein by reference as though fully set forth herein. The
18 Board of Supervisors adopts as its own the consistency findings of Resolution No 20443.

19 (i) The street vacation was evaluated as part of the Teatro ZinZanni Project evaluated
20 in the final mitigated negative declaration issued on December 21, 2018, Case No.2015-
21 016326ENV ("TZK MND") pursuant to the California Environmental Quality Act ("CEQA,"
22 California Public Resources Code sections 21000 et seq.), and the Planning Commission
23 adopted the TZK MND on May 2, 2019, and a Mitigation Monitoring and Reporting Program
24 ("MMRP"), in its Motion No. 20444. A copy of the TZK MND is on file with the Clerk of the
25 Board of Supervisors in File No. 191181. This Board finds that the TZK MND is adequate for

1 its use for the Project, that there is no substantial evidence that the Project could have a
2 significant effect on the environment with the adoption of the mitigation measures contained in
3 the Mitigation Monitoring and Reporting Program (“MMRP”) to avoid potentially significant
4 environmental effects associated with the Project. The Board of Supervisors further finds that
5 no substantial changes are proposed by the Project or the circumstances under which the
6 Project is undertaken that could cause new significant environmental effects or any increase
7 in the severity of previously identified significant effects. The Board further finds that there is
8 no new information of substantial importance showing that the Project could have any
9 significant effects not discussed in the TZK MND, or that significant effects could be
10 substantially more severe, or that new or different mitigation measures or alternatives would
11 substantially reduce one or more significant effects of the Project. The mitigation measures
12 included in the MMRP will be implemented as part of the Project.

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14 Section 2. Vacation and Conditions.

15 (a) The Board of Supervisors hereby vacates the Vacation Area, as shown on SUR
16 Map No. 2019-005, upon satisfaction of the conditions described in this ordinance and
17 pursuant to California Street and Highways Code Sections 8300 et seq. and San Francisco
18 Public Works Code Section 787(a).

19 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
20 or prospective public use, subject to the conditions described in this ordinance, and as
21 provided in the Lease.

22 (c) The public interest and convenience require that the vacation be done as declared
23 in this ordinance.

24 (d) The Street Vacation shall be effective as to all of the Vacation Area upon all
25 conditions to executing the Lease are satisfied or waived by the respective parties, the Lease

1 is executed by the Port and the Developer, which Lease will be in substantially the same form
2 as on file with the Clerk of the Board of Supervisors in File No. 191181, and a memorandum
3 of the Lease is recorded in the Official Records of the City and County of San Francisco.

4 Section 3. Official Acts in Connection with the Ordinance.

5 (a) The Mayor, Clerk of the Board, Port Director, County Surveyor, and PW Director
6 are hereby authorized and directed to take any and all actions which they or the City Attorney
7 may deem necessary or advisable in order to effectuate the purpose and intent of this
8 ordinance (including, without limitation, the filing of this ordinance in the Official Records of the
9 City and County of San Francisco; confirmation of satisfaction of the conditions to the
10 effectiveness of the vacation of the Vacation Area hereunder; and execution and delivery of
11 any evidence of the same, which shall be conclusive as to the satisfaction of the conditions
12 upon signature by any such City official or his or her designee).

13 (b) Upon the effectiveness of this vacation and the related real estate transaction, this
14 ordinance shall be recorded.

15 Section 4. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor’s veto of the ordinance.

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 Kate H. Stacy
23 Deputy City Attorney

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