

1 [Resolution of Intent to Vacate Streets - A Portion of Vallejo Street Right-of-Way and a Portion
2 of Davis Street Right-of-Way - Teatro ZinZanni Project]

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3 **Resolution declaring the intention of the Board of Supervisors to order the vacation of**
4 **the Vallejo Street right-of-way generally bounded by Assessor's Parcel Block No. 0138,**
5 **Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street**
6 **and The Embarcadero and a portion of the Davis Street right-of-way generally located**
7 **between Broadway Street and The Embarcadero, as part of the improvements for the**
8 **Teatro ZinZanni hotel, theater, and public park development project on Seawall**
9 **Lots 323 and 324; and setting a hearing date for the Board of Supervisors to sit as a**
10 **Committee of the Whole on February 11, 2020, for all persons interested in the**
11 **proposed vacation of said public right-of-way.**

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13 WHEREAS, The vacation proceeding for a portion of the Vallejo Street right-of-way,
14 generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001 and Assessor's Parcel
15 Block No. 0139, Lot No. 002 between Davis Street and The Embarcadero and a portion of the
16 Davis Street right-of-way generally located between Broadway Street and The Embarcadero
17 (the "Vacation Area"), is conducted under the general vacation procedures of the Public
18 Streets, Highways and Service Easements Vacation Law (California Streets and Highways
19 Code, Sections 8300 et seq.); and

20 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
21 street vacation procedures for the City and County of San Francisco (the "City") shall be in
22 accordance with the applicable provisions of California Streets and Highways Code and such
23 rules and conditions as adopted by the Board of Supervisors; and

24 WHEREAS, The location and extent of the Vacation Area, all of which Vacation Area is
25 within the jurisdiction of the San Francisco Port Commission ("Port"), is more particularly

1 described on the Public Works (“PW”) SUR Map No. 2019-005, dated October 1, 2019, a
2 copy of which is on file with the Clerk of the Board of Supervisors in File No. 191179 and
3 incorporated herein by reference; and

4 WHEREAS, The vacation of the Vacation Area is necessary for the hotel, theater and
5 public park project (the “Project”) proposed by TZK Broadway, LLC (the “Developer”) at
6 Seawall Lots 323 and 324 and the Vacation Area (collectively, the “Project Site”) pursuant to a
7 Lease Disposition and Development Agreement (“LDDA”) and Lease (“Lease”), both between
8 Developer and the Port; and

9 WHEREAS, The City Planning Commission at its May 2, 2019, meeting, in Resolution
10 No. 20443, determined that the proposed vacation of the Vacation Area is consistent with the
11 General Plan, and with the eight priority policies of Planning Code, Section 101.1; a copy of
12 Resolution No. 20443 is on file with the Clerk of the Board of Supervisors in File No. 191179;
13 and

14 WHEREAS, The Port Commission at its September 10, 2019, meeting, in Resolution
15 No. 19-36, consented to the vacation of the Vacation Area; and

16 WHEREAS, In PW Order No. 202202 dated November 8, 2019, a copy of which is on
17 file with the Clerk of the Board of Supervisors in File No. 191179 and incorporated herein by
18 reference, the Director of Public Works determined that: (a) the Vacation Area is unnecessary
19 for the City's present or prospective public street, sidewalk, and service easement purposes;
20 (b) in accordance with Streets and Highways Code, Sections 892 and 8314, the portions of
21 the Vallejo Street right-of-way and the Davis Street right-of-way within the Vacation Area are
22 no longer useful as a non-motorized transportation facility; and (c) the vacation of the
23 Vacation Area will not be effective unless all conditions to executing the lease between the
24 Port and the Developer for the Project Site (the “Lease”) are satisfied or waived by the
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1 respective parties and the Lease is executed by the Port and the Developer and becomes
2 effective; and

3 WHEREAS, The street vacation was evaluated as part of the Project pursuant to the
4 environmental evaluation for the Project, that resulted in a final mitigated negative declaration
5 issued on December 21, 2018, Case No.2015-016326ENV (“TZK MND”) pursuant to the
6 California Environmental Quality Act (“CEQA,” California Public Resources Code, Sections
7 21000 et seq.), and the Planning Commission adopted the TZK MND on May 2, 2019, and a
8 Mitigation Monitoring and Reporting Program (“MMRP”), in its Motion No. 20444; a copy of the
9 TZK MND is on file with the Clerk of the Board of Supervisors in File No. 191179; and

10 WHEREAS, The Board of Supervisors finds that the TZK MND is adequate for its use
11 for this street vacation, that there is no substantial evidence that the Project could have a
12 significant effect on the environment with the adoption of the mitigation measures contained in
13 the MMRP to avoid potentially significant environmental effects associated with the Project,
14 and that no substantial changes are proposed by the Project or the circumstances under
15 which the Project is undertaken that would cause new significant environmental effects or any
16 increase in the severity of previously identified significant effects, and there is no new
17 information of substantial importance showing that the Project would have any significant
18 effects not discussed in the TZK MND, or that significant effects would be substantially more
19 severe, or that new or different mitigation measures or alternatives would substantially reduce
20 one or more significant effects of the Project, and that the mitigation measures included in the
21 MMRP will be implemented as part of the Project; now, therefore be it

22 RESOLVED, That under Sections 8300 et seq. of the California Streets and Highway
23 Code, the Board of Supervisors hereby declares that it intends to order the vacation of
24 portions of the Vallejo Street right-of-way and Davis Street right-of-way as shown on PW SUR
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1 Map No. 2019-005, subject to the conditions described above, and as provided in the Lease;
2 and, be it

3 FURTHER RESOLVED, That notice is hereby given that on February 11, 2020, at
4 approximately 3:00 P.M. in the Legislative Chambers of the Board of Supervisors, all persons
5 interested in or objecting to the proposed vacation will be heard; and, be it

6 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
7 of the Board to transmit to PW a certified copy of this Resolution, and the Board of
8 Supervisors urges the Director of Public Works and the Clerk of the Board to publish and post
9 this Resolution and to give notice of the hearing of such contemplated action in the manner
10 required by law.

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