File Nos. 110019 Committee Item Nos. 3
Board Item No. 46

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** January 31, 2011

Board of Supervisors Meeting **Date** March 1, 2011

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☒	☒	Fifth Addendum to FEIS/FEIR
☒	☒	TJPA Resolution No. 09-019
☒	☒	Draft Quitclaim Deed for Vacation Area to TJPA

Completed by: Alisa Somera **Date** January 28, 2011
Completed by: Alisa Somera **Date** February 24, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

FILE NO. 110019 ORDINANCE NO.

[Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings

(a) On February 1, 2011, the Board of Supervisors adopted Resolution No. 47-11, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 110017, being a Resolution declaring its intention to order the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area (collectively, the "Vacation Area"). The location and extent of the Vacation Area is shown on the Department of Public Works' draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010. Copies of these maps are on file with the Clerk of the Board of Supervisors in File No. 110019 and are incorporated herein by reference.

(b) The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such Resolution to be posted and published in the manner required by law.

(c) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on March 1, 2011, beginning at approximately 3:00 P.M., the Board heard all persons interested in such vacation.

(d) The vacation of the Vacation Area is necessary for the Transbay Joint Powers Authority ("TJPA") to construct the Transbay Transit Center and associated bus ramps.

(e) On June 15, 2004, this Board approved Motion No. M04-67 affirming the Planning Commission's certification of the final environmental impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project in compliance with the California Environmental Quality Act ("CEQA") (California Public Resources Code sections 21000 et seq.) A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 040629 and is incorporated herein by reference.

(f) The Board of Supervisors in Resolution No. 612-04, adopted environmental findings in relation to the Transbay Terminal, Caltrain Downtown Extension, and Transbay Redevelopment Plan. Copies of said Resolution and supporting materials are in the Clerk of the Board of Supervisors File No. 041079. The Board of Supervisors in Ordinance No. 124-05, as part of its adoption of the Transbay Redevelopment Plan, adopted additional environmental findings. Copies of said Ordinance and supporting materials are in the Clerk of the Board of Supervisors File No. 050184. Said Resolution and Ordinance and supporting materials are incorporated by reference herein for the purposes of this Ordinance.

(g) On April 9, 2009, the TJPA approved Resolution No. 09-019, adopting the Fifth Addendum to the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project FEIS/EIR finding that the proposed vacation of the Vacation Area will not trigger the need for subsequent environmental review pursuant to California Public Resources Code section 21166 and sections 15162 and 15163 of the CEQA Guidelines. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 110019 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own said findings pursuant to CEQA.

(h) On August 5, 2010, the Planning Commission adopted Motion No. 18159, making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 for the actions contemplated herein. A copy of this Motion is on file with the Clerk of the Board of Supervisors in File No. 110019 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own said consistency findings.

(i) In DPW Order No. 179,054, dated January 7, 2011, the Director of the Department of Public Works determined: (i) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes; (ii) conveyance of the Vacation Area to the TJPA for a sales price of $1.00 will further a proper public purpose, including, but not limited to, promoting and facilitating the use of public transportation, as confirmed by the Director of the Real Estate Division; (iii) there are no physical public or private utilities affected by the vacation of the Vacation Area except as stated below; (iv) the TJPA, with oversight from the Department of Public Works, is collaborating with utility agencies and other parties for the relocation of these utilities; and (v) the vacation is subject to retention of certain time-limited rights for public and private utilities

as described further herein. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 110019 and incorporated herein by reference.

(j) The public interest, convenience and necessity require that the City reserve and except from the vacation non-exclusive easements for the benefit of those in-place and functioning utilities, including City utilities, PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet utilities and facilities, that are currently located within the Vacation Area, to the extent necessary to maintain, operate, repair and remove existing lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of said utilities, together with reasonable access to the foregoing utilities and facilities for the purposes set forth above. The reservation stated herein is time-limited because said utilities are to be relocated from these easement locations. The TJPA is responsible for relocating the City utilities and facilities. PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet are responsible for relocating their own utilities and facilities. Accordingly, reserved easements for the City utilities shall expire when the TJPA relocates the utility to the satisfaction of the City. Reserved easements for PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet shall expire at the time the Department of Public Works grants to the TJPA a general excavation permit to undertake pre-trench work at the location of the subject reserved easement(s).

(k) As part of this vacation action, the City recognizes that private encroachments permitted by the Department of Public Works, other than utilities covered in the paragraph above, may exist within the Vacation Area. To the extent that such encroachments are incompatible with the Transbay Program, the City shall take the necessary steps, consistent with the law, to revoke permission for those encroachments. The City reserves and excepts

from the vacation any private encroachment rights that have been validly permitted by the Department of Public Works as of the date of this Ordinance, until such permission is revoked by the City.

(l) The public interest, convenience, and necessity require that, except as specifically provided in this Ordinance, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in such Vacation Area and that any rights based upon any such public or private utilities or facilities are extinguished.

(m) The Director of the Department of Public Works also recommends that the vacation of the Vacation Area is conditioned upon the following restrictions: (i) that the property can be used only for the Transbay Transit Center or related bus ramps and rail extensions; (ii) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center or related bus ramps and rail extensions; and (iii) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its bus ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple; and (iv) that the TJPA shall retain 6 to 11 feet of public right-of-way width (depending on location) vacated on First and Fremont Streets as public sidewalk expect for limited areas around the base of the Transit Center basket columns where small barriers will be installed to protect pedestrians and the columns. The Board of Supervisors adopts as its own, the recommendations of the Director of the Department of Public Works as set forth in DPW Order No. 179,054 concerning the vacation of the Vacation Area and other actions in furtherance thereof.

(n) The California Department of Transportation ("Caltrans") has asserted certain real property interests in portions of the Vacation Area. As part of a separate future action before

this Board of Supervisors, Caltrans will offer and the City will consider the acceptance of a quitclaim of Caltrans' rights. To the extent any of the areas subject to this future action are coterminous with the Vacation Area that is the subject of this legislation, this Board of Supervisors hereby authorizes and directs the Director of the Division of Real Estate, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to quitclaim to the TJPA any new rights in the Vacation Area that the City acquires from Caltrans.

(o) The vacation of the Vacation Area is being taken pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

(p) From all the evidence submitted at the public hearing noticed in the Resolution No. 47-11 and the associated materials on file with the Clerk of the Board in File No. 110017, the Board of Supervisors finds that the Vacation Area, as described in said Resolution, is unnecessary for present or prospective public use, subject to the conditions described in this Ordinance.

(q) Pursuant to the Streets and Highways Code Section 892, the Board hereby finds and determines that the Vacation Area is inaccessible to non-motorized transportation, and therefore has no use for a non-motorized transportation facility.

(r) With the exception of the easements and private encroachment rights described above, the public interest, convenience and necessity require that no other easements or other rights be reserved for any public or private utilities or facilities that are in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are extinguished.

(s) The public interest and convenience require that the vacation be done as declared in this Ordinance.

Section 3. Except as set forth in Section 4 below, the Vacation Area, as shown on draft SUR Map Nos. 6009, 7009, and 8009, is hereby ordered vacated and pursuant to California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

Section 4. The vacation of the Vacation Area is conditioned upon the following restrictions: (i) that the property can be used only for the Transbay Transit Center or related bus ramps and rail extensions; (ii) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center or related bus ramps and rail extensions; and (iii) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its bus ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple; (iv) that the TJPA shall retain 6 to 11 feet of public right-of-way width (depending on location) vacated on First and Fremont Streets as public sidewalk expect for limited areas around the base of the Transit Center basket columns where small barriers will be installed to protect pedestrians and the columns; and (v) subject to the time-limited reserved easements and private rights described herein.

Section 5. Notwithstanding the provisions of Administrative Code Chapter 23, the Board of Supervisors hereby approves the quitclaim deeds to the TJPA in substantially the form on file with the Clerk of the Board of Supervisors and authorizes the Director of Property to execute City quitclaim deeds for the Vacation Area to the TJPA at the time when said deeds and associated documentation are finalized and properly certified. A copy of said draft deed(s) is on file with the Clerk of the Board of Supervisors in File No. 110019 and is incorporated herein by reference.

Section 6. The Board of Supervisors hereby directs the Clerk of the Board of Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance so that this Ordinance may be recorded together with the other documents necessary to effectuate the quitclaim of the Vacation Area to the TJPA.

Section 7. All actions heretofore taken by the officers of the City with respect to this Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of the Division of Real Estate, County Surveyor, and Director of Public Works are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance (including, without limitation, the refinement and finalization of the Department of Public Works' draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010; the drafting of legal descriptions for the Vacation Area; the finalization and certification of the quitclaim deeds for the Vacation Area, the execution of such deeds on behalf of the City, and the recording of such deeds at the City and County of San Francisco Office of the Assessor-Recorder; the filing of the Ordinance in the Official Records of the City and County of San Francisco; the revocation of any permit to encroach upon the Vacation Area that conflicts with the Transbay Transit Center program; and confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the Vacation Area hereunder and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

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

By: _____
John D. Malamut
Deputy City Attorney

FILE NO. 110019

LEGISLATIVE DIGEST

[Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Existing Law

California Streets and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a) govern the process for the vacation of streets.

Amendments to Current Law

This legislation, subject to certain conditions and reservations, would vacate portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area, all in accordance with applicable State and local laws. This Ordinance would quitclaim the City's interest in the vacated area to the Transbay Joint Powers Authority ("TJPA"). This legislation would make certain findings related to the legislation, including environmental findings and findings that the legislation is consistent with the General Plan and the priority policy findings of the Planning Code Section 101.1. The Ordinance also would adopt the determination of the Director of the Department of Public Works along with maps showing the areas to be vacated.

Background

This Ordinance is necessitated by the TJPA's construction of the Transbay Transit Center and associated bus ramps, which will extend over and under portions of public streets and sidewalks. These vacations are necessary to allow for construction of the Transbay Transit Center and associated bus ramps.

City and County of San Francisco

(415) 554-6920
FAX (415) 554-6944
http://sfdpw.org

Department of Public Works
GENERAL - DIRECTOR'S OFFICE
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102

Gavin Newsom, Mayor
Edward D. Reiskin, Director

DPW Order No: 179,054

Re: Determination to vacate portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street and Oscar Alley within the Transit Center Project Area pursuant to California Streets and Highways Code sections 8300 et seq. and section 787(a) of the San Francisco Public Works Code.

WHEREAS, Public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way (ROW). The public ROW includes those areas above and below public streets and sidewalks; and

WHEREAS, On July 6, 2009, the Transbay Joint Powers Authority (TJPA) submitted a petition to the Department of Public Works and paid the Department's investigation fee seeking to vacate portions of the public ROW (collectively, the "Vacation Area") to enable construction of the new Transbay Transit Center and its associated bus ramps. The Transit Center will occupy portions of the public ROW where it will extend over the street, and below ground where the train box will extend below the street. In addition, bus ramps that connect the Transit Center to I-80 and a bus storage facility will occupy public ROW air space where they cross over city streets. The TJPA did not request vacation of the surface area of any street. All streets involved in the proposed vacations would remain functioning streets subject to street easements; and

WHEREAS, The Vacation Area consists of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street and Oscar Alley within the Transit Center Project Area as specifically shown on the attached draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010; and

WHEREAS, Pursuant to the California Streets and Highway Code, the Department has initiated the process to vacate those portions of streets; and

WHEREAS, On October 15, 2010, the TJPA sent notice of the proposed street vacations to adjoining property owners with figures describing the extent of the Vacation Area and illustrations of the proposed Transbay Transit Center. The TJPA responded to requests for clarification from several property owners. No adjoining property owners objected to the proposed vacation; and

WHEREAS, At the request of the Planning Department, the TJPA agreed to condition the vacation upon the following restrictions: (i) that the property can be used only for the Transbay Transit Center or related bus ramps and rail extensions; (ii) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center or related bus ramps and rail extensions; and (iii) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its bus ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple; and (iv) that the TJPA shall retain 6 to 11 feet of public right-of-way width (depending on location) vacated on First and Fremont Streets as public sidewalk expect for limited areas around the base of the Transit Center basket columns where small barriers will be installed to protect pedestrians and the columns; and

WHEREAS, In the attached Motion No. 18159 dated August 5, 2010, the Planning Commission determined that the proposed vacations and other actions contemplated herein are consistent with the General Plan and the eight priority policies of Planning Code Section 101; and

WHEREAS, On October 15th, the Department sent notice of the proposed street vacations, SUR drawings, a copy of the petition letter, and a DPW referral letter to the Department of Telecommunications, MUNI, Pacific Bell, San Francisco Fire Department, San Francisco Water Department, PG&E, Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), and the Public Utility Commission. After the 30-day response deadline the, the Department sent a second notice of the proposed street vacations to these agencies and utility companies. No utility company or agency objected to the proposed vacations; and

WHEREAS, Over the past five years, the TJPA has assembled existing utility information, verified the location of utility infrastructure, and, with oversight from the Department, coordinated in collaboration with affected utility agencies regarding the relocation of utility infrastructure within the Transit Center Project Area. The TJPA has prepared 100% Design Development documents that show the current location and future alignment of each utility, and provide detailed construction sequences that allow each utility to operate uninterrupted during all phases of the Transit Center Construction. The TJPA mailed the 100% Design Development plans and specifications to all potentially affected utility providers as determined by three prior Notices of Intent, the TJPA's Independent Confirmation of Existing Utilities, and responses to the TJPA's 90% Design Development review. A summary of the TJPA's development of utility relocation plans is attached to this Order; and

WHEREAS, The TJPA's 100% Design Development plans and specifications indicate that Pacific Gas and Electric (PG&E), IP Networks (IPN), American Telephone and Telegraph (AT&T), AT&T Legacy T, Verizon Business (Verizon), TCG, Qwest, Comcast, Level 3 Communications (Level 3) and AboveNet own and maintain private utilities or utility facilities within the Vacation Area.

WHEREAS, PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet are engineering their utility relocations and are responsible for their construction. The TJPA has been responsible for the engineering design and construction of City utilities for domestic water, wastewater, and City-owned street lighting and traffic signal systems. The TJPA has also been responsible for construction of two City systems based on engineering by City departments: (1) San Francisco Fire Department and the Department of Public Works Bureau of Engineering have designed the auxiliary water supply system (AWSS) relocations, and (2) Muni overhead catenary system relocations have been designed by the San Francisco Municipal Transportation Agency; and

WHEREAS, There are private encroachments permitted by the Department, other than utilities covered in the paragraph above, that may exist within the Vacation Area; and

WHEREAS, In a memorandum dated November 8, 2010, the San Francisco Public Utilities Commission authorized the TJPA "to obtain all necessary required permits to perform construction, and to construct on behalf of the SFPUC utilities associated with the Transbay Program's Relocation of Utilities Project." A copy of this authorization is attached to this Order; and

WHEREAS, The Vacation Area includes air space and below ground properties only and the Department has no present or future plans for the Vacation Area.

WHEREAS, The Vacation Area is inaccessible to non-motorized transportation, and therefore has no use for a non-motorized transportation facility .

WHEREAS, In a letter dated December 30, 2010, from the City's Director of Property to the Director of Public Works, the Director of Property determined that conveyance of the Vacation Area to the TJPA for consideration of $1.00 will further a proper public purpose, including, among others, promoting and facilitating the use of public transportation. The Director of Property further determined that the value of the public benefits to be derived from the Transbay Transit Center far outweigh any value which may be attributed to the existing public ROW to be vacated and quitclaimed to the TJPA; and

WHEREAS, The California Department of Transportation ("Caltrans") has asserted certain real property interests in portions of the Vacation Area. Caltrans is planning to offer and the City will consider the acceptance of a quitclaim of Caltrans' rights. If the City accepts a quitclaim of Caltrans' rights, it will consider quitclaiming to the TJPA any new rights in the Vacation Area that the City acquires from Caltrans.

WHEREAS, The Director of Public Works for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.

2. The vacation is being carried out pursuant to section 787(a) of the San Francisco Public Works Code.

3. The Vacation Area to be vacated is shown on the draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010.

4. The Vacation area is necessary for the TJPA to construct Phase I of the Transbay Transit Center and associated bus ramps.

5. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes.

6. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is inaccessible to non-motorized transportation, and therefore has no use for a non-motorized transportation facility.

7. Conveyance of the Vacation Area to the TJPA for consideration of $1.00 will further a proper public purpose, including, but not limited to, promoting and facilitating the use of public transportation, and the value of the public benefits to be derived from the Transbay Transit Center far outweigh any value which may be attributed to the existing public ROW to be vacated and quitclaimed to the TJPA, as confirmed by the Director of the Real Estate Division.

8. There are no physical public or private utilities or utility facilities within the Vacation Area except for PG&E for power and gas transmission purposes, and IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet for telecommunications purposes.

9. The TJPA, with oversight from the Department, is collaborating with utility agencies and other parties for the relocation of these utilities and utility facilities.

10. The public interest, convenience and necessity require that the City reserve and except from the vacation non-exclusive easements for the benefit of those in-place and functioning utilities, including City utilities, PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet facilities utilities and facilities, that are currently located within the Vacation Area, to the extent necessary to maintain, operate, repair and remove existing lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of said utilities, together with reasonable access to the foregoing utilities and facilities for the purposes set forth above. The reservation stated herein should be time-limited because said utilities are to be relocated from these easement locations. The TJPA is responsible for relocating the City utilities and facilities. PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet are responsible for relocating their own utilities and facilities. Accordingly, reserved easements for the City utilities should expire when the TJPA relocates the utility to the satisfaction of the City. Reserved easements for PG&E, IPN, AT&T, AT&T Legacy T, Verizon, TCG, Qwest, Comcast, Level 3, and AboveNet should expire at the time the Department of Public Works grants to the TJPA a general excavation permit to undertake pre-trench work at the location of the subject reserved easement(s).

11. There are private encroachments permitted by the Department, other than utilities covered in the paragraph above, that may exist within the Vacation Area. To the extent that such encroachments are incompatible with the Transbay Program, the City should take the necessary steps, consistent with the law, to revoke permission for those encroachments. The City should reserve and excepts from the vacation any private encroachment rights that have been validly permitted by the Department as of the date of the Street Vacation Ordinance, until such permission is revoked by the City.

12. The public interest, convenience, and necessity require that, except as specifically provided in this Order, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities should be

extinguished.

13. The vacation of the Vacation Area should be conditioned upon the following restrictions: (i) that the property can be used only for the Transbay Transit Center or related bus ramps and rail extensions; (ii) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center or related bus ramps and rail extensions; and (iii) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its bus ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple; and (iv) that the TJPA shall retain 6 to 11 feet of public right-of-way width (depending on location) vacated on First and Fremont Streets as public sidewalk expect for limited areas around the base of the Transit Center basket columns where small barriers will be installed to protect pedestrians and the columns.

14. The City should quitclaim to the TJPA any new rights in the Vacation Area that the City acquires from Caltrans.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents attached hereto:

1. Ordinance of Vacation for the Streets;
2. Vacation Area Draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010.

The Director further recommends the Board of Supervisors move forward with the legislation to vacate said Streets.

The Director recommends the Board of Supervisors approve all actions set forth herein and heretofore taken by the Officers of the City with respect to this vacation. The Director further recommends the Board of Supervisors direct and authorize the Mayor, Clerk of the Board, Director of the Division of Real Estate, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of the Final Ordinance of Vacation (including, without limitation, the refinement and finalization of the Department of Public Works' draft SUR Map Nos. 6009, 7009, and 8009, dated December 17, 2010; the drafting of legal descriptions for the Vacation Area; the finalization and certification of the quitclaim deeds for the Vacation Area, the execution of such deeds on behalf of the City, and the recording of such deeds at the City and County of San Francisco Office of the Assessor-Recorder; the filing of the Ordinance in the Official Records of the City and County of San Francisco; the revocation of any permit to encroach upon the Vacation Area that conflicts with the Transbay Transit Center program, and confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the Vacation Area and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

Attachments: (CTL & click)

1. Memo Re Summary of Development of Utility Relocation, dated Oct. 13, 2010.
2. Draft SUR Map Nos. 6009, 7009, 8009, dated December 17, 2010
3. Planning Commission Motion No. 18159, dated Aug. 5, 2010.
4. Memo Re Transbay Transit Center Program: SFPUC Utilities Construction Authorization, dated Nov. 8, 2010.
5. Letter from Director of Property to Director of Public Works Re Transbay Transit Center Street Vacations, dated December 30, 2010.

Click here to sign this section

1/7/2011

X Bruce R. Storrs

Signed by Storrs, Bruce View details
on Friday, January 07, 2011 5:36 PM (Pacific Standard Time)

1/8/2011

X Edward D. Reiskin

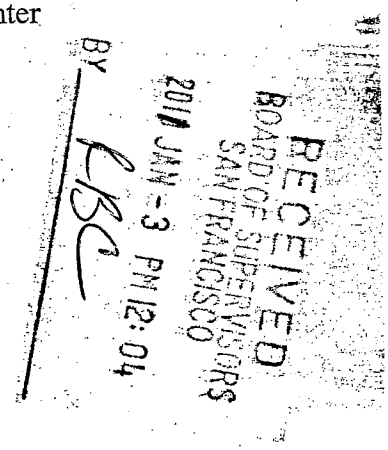
Signed by Reiskin, Ed View details
on Saturday, January 08, 2011 9:16 AM (Pacific Standard Time)

Amy L. Brown
Director of Real Estate

City and County of San Francisco
REAL ESTATE DIVISION

January 3, 2011

Transbay Transit Center
Street Vacation



Through Edwin M. Lee
City Administrator

Honorable Board of Supervisors
City & County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Board Members:

Enclosed for your consideration is legislation which would authorize the vacations of portions of the public right of way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street and Oscar Alley ("Vacation Area") within the Transbay Transit Center project area. The location and extent of the Vacation Area is shown in the Department of Public Works' draft SUR Map Nos. 6009, 7009, and 8009. The legislation includes the Resolution Declaring Intent to Vacate, Ordinance ordering the Street Vacations, and Legislative Digest.

These street vacations are required for the Transbay Joint Powers Authority (TJPA) to build, operate and maintain a new transportation terminal known as the Transbay Transit Center and associated facilities.

The new Transit Center will provide expanded bus and rail service on the site of the former Transbay Terminal at First and Mission Streets. The Transit Center projects includes construction of new bus ramps connecting the Transit Center to the west approach of the San Francisco-Oakland Bay Bridge and bus storage facilities. The project also includes a below – grade extension of Caltrain to the Transit Center.

In addition to the Legislation documents, enclosed are:

- Draft copies of SUR Maps Nos. 6009, 7009, and 8009 showing Vacation Area.
- City Planning's letter dated August 13, 2010 stating that the proposed street vacations for the Transbay Transit Center and related bus ramps are in conformity with the General Plan and consistent Priority Policies of Planning Code Section 101.1.

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- Memo from TJPA Engineering to DPW summarizing development of Utility Relocation for the Transbay Transit Center.

- Letter from San Francisco Redevelopment Agency dated December 17, 2010 indicating that proposed street vacations are consistent with the Redevelopment Plan for the Transbay Redevelopment Project Area.

- Memo from Real Estate dated December 30, 2010, authorizing a nominal sales price due to the project's public purpose

- DPW Order No. _____dated _____

TJPA Resolution No. 09-019, adopting findings that the proposed vacation of the Vacation Area will not require additional environmental review pursuant to California Public Resources Code section 21166 and sections 15162 and 15163 of the CEQA guidelines is found in Board File No. 101409.

Should you have any questions or need additional information, do not hesitate to call John Updike or Marta Bayol of our office at 554-9850

Very truly yours,

Amy L. Brown
Director of Real Estate

cc: Edwin M. Lee, City Administrator

w/ Resolution;
Joyce Oishi, TJPA
John Malamut, Deputy City Attorney
Carol Wong, Deputy City Attorney
Heather Minner, Attorney, Shute Mihaly
and Weinberger LLP

Amy L. Brown
Director of Real Estate

City and County of San Francisco
REAL ESTATE DIVISION

MEMORANDUM

Date: December 30, 2010

To: Amy L. Brown, Director of Real Estate & Deputy City Administrator

From: John Updike, Assistant Director of Real Estate

Subject: Conveyance of Vacated Street Areas to Transbay Joint Powers Authority Assignment of Nominal Value to Rights, Given Public Purpose

The Transbay Joint Powers Authority (TJPA) has applied to the City and County of San Francisco to vacate above- and below-ground portions of the streets surrounding the Transbay Transit Center. The TJPA has asked the City to vacate portions of Natoma, Minna, First, Freemont, and Beale Street in areas where the new Transit Center building will extend above the streets, and where the train box will extend below the streets. The TJPA has also asked the City to vacate the areas where the bus ramps connecting I-80 to the Transit Center will cross over Natoma, Howard, Tehama, Folsom, and Harrison Streets. The surfaces of the streets will remain functioning streets subject to street easements.

As part of the street vacation application, the TJPA has requested that the City convey the vacated areas to the TJPA in fee simple. TJPA and the City have agreed that a quitclaim deed would be the appropriate method of conveyance. TJPA has requested that we recommend to the Board of Supervisors that these conveyances occur for a nominal sale price of $1.00.

Under San Francisco Administrative Code section 23.3, City property may be conveyed for a price below fair market value "where the Board determines . . . that (i) a lesser sum will further a proper public purpose . . . ." Construction of the Transbay Transit Center is clearly a proper public purpose for the following reasons:

1. The Transit Center will encourage and facilitate the use of public transportation by connecting local and regional transportation networks of buses, rail transit, commuter rail, and high-speed rail. The Transit Center offers access to Muni, AC Transit, SamTrans, Golden Gate Transit, Greyhound, WestCAT, Caltrain, and BART.

2. The Transbay Transit Center Program conforms to the principles of transit-oriented development – locating public transit as close as possible to employment, shopping, education, hotels, convention centers, museums, and parks.

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3. San Francisco voters approved Proposition H in 1999, which called for rebuilding the Transbay Transit Terminal as a combined bus and rail terminal serving Caltrain and future high-speed rail service.

4. In April 2001, The City and County of San Francisco joined the TJPA for the purpose of building and operating the new Transit Center. At the same time, the Board of Supervisors declared the City's policy to commit its resources in support of planning and redevelopment efforts required to implement the Transit Center through the adoption of Resolution 104-01.

5. California Public Resources Code Section 5027.1 provides that "...the Legislature hereby approves demolition of the Transbay Terminal building at First and Mission Streets in the City and County of San Francisco, including its associated vehicle ramps, for construction of a new terminal at the same location, designed to serve Caltrain in addition to local, regional, and intercity buslines, and designed to accommodate high-speed passenger rail service."

6. The San Francisco Planning Commission Certified the Final EIS/EIR for the Transbay Transit Center Program in April of 2004 and the Board of Supervisors affirmed the Commission's Certification in June of 2004.

7. In June 2005, the City's Board of Supervisors approved the Transbay Redevelopment Plan. The Plan will provide for the revitalization of the Transbay neighborhood focused on the new Transit Center. Under the Plan, the Redevelopment Agency will convey property received from Caltrans to develop 2,600 new housing units, a third of which will be affordable, and parks and other infrastructure.

8. The City's Planning Department has proposed a new Transbay Transit Center District, also focused on the new Transit Center, that will result in rezoning of the area to increase building heights and the development of millions of square feet of offices and additional housing. The Redevelopment Plan and the new Transbay District will allow San Francisco to create a model of transit-oriented development for the City, the region, the state, and the nation.

The benefits to the City of transit-oriented development are, among other things, creation of thousands of jobs, reduction in greenhouse gas emissions, reduction in traffic congestion, improved air quality, and safer and more livable neighborhoods. Accordingly, conveyance of these vacated street areas to the TJPA without substantial cost to the TJPA will help to realize this vital public project.

The TJPA has been reimbursing Real Estate for its administrative costs for these transactions. Given that the TJPA has covered our administrative costs, and given the Transit Center's public purpose, I recommend that the City convey these property rights to the TJPA for a nominal sum of $1.00.

Concur: Amy L. Brown

Amy L. Brown, Director of Real Estate & Deputy City Administrator

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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August 13, 2010

Mr. Kam Hui
Bureau of Street Use and Mapping
Department of Public Works
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Re: 2009.0622R Street Vacations for the Transbay Transit Center and Related Bus Ramps and Conveyances of This City Property to the TJPA

Dear Mr. Hui,

On September 22, 2009 the Planning Department received from the Department of Public Works a General Plan Referral Application submitted by Maria Ayerdi, Executive Director of the Transbay Joint Powers Authority ("TJPA") on June 22, 2009 for various street vacations necessary for the construction of the new Transbay Transit Center and associated bus ramps, also known as "Phase 1" of the Transbay Transit Center Program.

The TJPA submitted a letter on December 22, 2009 to stipulate that it will agree to certain deed restrictions on the proposed vacated areas being included in the agreements with the City through its City Attorney's Office and Department of Real Estate. These deed restrictions provide that (a) the property can be used only for the Transit Center or related bus ramps and rail extensions; (b) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center; and (c) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple. The TJPA subsequently revised the application on July 21, 2010, to clarify dimensions and boundaries of proposed vacations.

On August 5, 2010, the Planning Commission considered the General Plan Referral and found the proposal *IN CONFORMITY* with the General Plan and consistent with the Priority Policies of Planning Code Section 101.1 and adopted its findings in Motion No. 18159, attached to this transmittal memo.

Sincerely,

John Rahaim
Director of Planning

Attachments:
Planning Commission Motion 18159
Planning Commission Executive Summary and General Plan Case Report
General Plan Referral Application
Street Vacation Application
Vacation Diagrams

cc:
John Malamut, City Attorney's Office
Joshua Switzky, Planning Department

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Planning Commission Motion No. 18159

HEARING DATE AUGUST 5, 2010

Case No.:	**2009.0622 R**
Project:	**Street Vacations for the Transbay Transit Center and Related Bus Ramps and Conveyance of This City Property to the TJPA**
Project Sponsor:	Transbay Joint Powers Authority 201 Mission Street, Suite 2100 San Francisco, CA 94105
Staff Contact:	Joshua Switzky – (415) 575-6815 joshua.switzky@sfgov.org

ADOPTING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 FOR THE PROPOSED STREET VACATIONS NECESSARY FOR THE TRANSBAY TRANSIT CENTER AND RELATED BUS RAMPS AND CONVEYANCE OF THIS CITY PROPERTY TO THE TJPA.

WHEREAS, Section 4.105 of the City Charter and 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.

On September 22, 2009 the Planning Department received from the Department of Public Works a General Plan Referral Application submitted by Maria Ayerdi, Executive Director of the Transbay Joint Powers Authority (hereinafter "TJPA") on June 22, 2009 for various street vacations necessary for the construction of the new Transbay Transit Center (hereinafter "Transit Center") and associated bus ramps, also known as "Phase 1" of the Transbay Transit Center Program (hereinafter "the Program[1]"). Phase 2 of the Program will include the downtown extension of Caltrain, which will accommodate high-speed trains in the underground level of the Transit Center. The TJPA will submit a second street vacation application at a later date for any street areas required for Phase 2. The Project Sponsor submitted a letter on December 22, 2009 to stipulate that it will agree to certain deed restrictions on the proposed vacated areas being included in the agreements with the City through its City Attorney's Office and Department of Real Estate. These deed restrictions provide that (a) the property can be used only for the Transit Center or related bus ramps and rail extensions; (b) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity

if the transferee would own and operate the Transit Center; and (c) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple. The Project Sponsor subsequently revised the application on July 21, 2010, to clarify dimensions and boundaries of proposed vacations.

The TJPA is a joint powers agency whose member agencies include the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board (Caltrain). The purpose of the TJPA is to design, build, develop, operate, and maintain the new Transit Center program, including the new Transbay Transit Center, downtown rail extension from the current Caltrain terminus at 4th and Townsend to the Transit Center, and new ramps connecting the Transit Center to the Bay Bridge and bus storage facilities.

The new Transit Center will provide expanded bus and rail service on the site of the existing Transbay Terminal at First and Mission Streets. The Transit Center program includes construction of new bus ramps connecting the Transit Center to the west approach of the Bay Bridge and to bus storage facilities underneath Interstate-80. Phase 2 of the Program is the construction of a below-grade extension of Caltrain to the Transit Center. The "train box," which is comprised of the two below grade levels of the Transit Center, is being designed to accommodate not only commuter trains but also future trains of the California High Speed Rail system, and is currently planned for construction as part of Phase 1.

On May 15, 2008, after an international Design and Development Competition, the TJPA approved a professional services agreement with a team led by Pelli Clark Pelli Architects to design the new Transit Center, including the bus ramps. The Transit Center will feature a 5-acre public park on its roof. The design team is finalizing the design of the building and construction is scheduled to begin in 2010.

The existing Transbay Terminal building and its related ramps currently exist over City streets, though formal actions, such as a street vacation, to recognize this infrastructure occupying the street areas were never enacted. As such, the above-ground areas currently proposed for vacation and property conveyances to accommodate the new structures are generally already physically occupied by existing structures to be removed. As such, the proposed above-ground street vacations do not generally represent new areas of infrastructure occupying public right-of-way.

The Transbay Joint Powers Authority is a government entity engaging in a major public infrastructure investment, and so it needs the certainty provided by the proposed street vacations and property conveyances, rather than other lesser existing City permit mechanisms, such as major encroachment permits (which are revocable).

The Transbay Joint Powers Authority has been regularly consulting with and seriously considering the input of the Planning Department staff on the design of its proposed facilities and will continue to do so throughout all phases of the project, including regarding the design of the bus ramps and streetscape elements surrounding the Transit Center, on at least a quarterly basis.

Partial vacations of several public right-of-way are necessary and sought by the TJPA to accommodate the Transit Center (both above street level and below grade) and its ramps (above street level), for the following general conditions:

Transit Center Building Upper Levels. The Transit Center building, which will sit on the site of the current Transbay Terminal, will span over First and Fremont Streets. The width of the building is 183 feet. However, unlike the current Terminal, which sits low (less than 20 feet) over those streets, the primary underside of the new Transit Center where it crosses these streets will be at least 28 feet above street grade (though the proposed airspace vacations begin generally at 18 feet above grade to accommodate the exterior building cladding and the canted "basket columns" which penetrate the plane of the ROW at a height of 18 feet above the roadway as described in the next point.) The bus deck (third level above grade) and the park (i.e. roof level) also partially extend beyond the property line into the Minna and Natoma rights-of-way.

Transit Center Structural System and Exterior Cladding. The building's exterior cladding and structural system is designed as a series of undulating columns, or baskets, that flare out above street level. This allows supporting columns to be moved inward, creating more sidewalk space and openness around the building at ground level. These columns and the building's undulations extend beyond the property lines at upper levels into the adjacent public rights-of-way, including Minna, Natoma, and Beale Streets. These architectural and structural elements penetrate the airspace of the public ROWs at a height no lower than 18 feet above street grade and approximately 15 feet above sidewalks. On both First and Fremont Streets, the vacation would include approximately 6 feet to 11 feet of ROW width (depending on location) down to sidewalk grade to recognize that the basket columns project into the ROW beginning at sidewalk level at the property line and rising quickly (within that width) to a vertical clearance of 15 feet above the sidewalks. One of the conditions of this vacation is that the TJPA must maintain these areas vacated down to grade on First and Fremont Streets as public sidewalk except for limited areas around the base of the columns where small barriers will be installed to ensure that pedestrians do not hit their heads on the columns and to protect the columns.

Train Box. The two below-grade levels of the Transit Center are referred to as the "train box." These levels contain the Concourse level (including passenger circulation, train waiting rooms, bicycle station, and taxi stand, among other mechanical and back-of-house functions) and the Train level (including 6 tracks with three platforms). The dimensions of the train box necessarily extend it laterally into the rights-of-way of Minna and Natoma Streets. Longitudinally, the train box begins just west of the west end of the Transit Center, extends the full footprint of the Transit Center under First and Fremont Streets, and extends further east under Beale Street. The top of the train box begins at a depth below street grade that varies from 1' 6" to 4' 9". The proposed below-grade vacations would occupy the southernmost 15 feet of the Minna ROW below grade and the northernmost 18 feet of the Natoma Street ROW below grade.

Bus Ramps. New bus ramps will replace the existing ramps. The ramps will connect the Transit Center to the Bay Bridge and, like a portion of the existing ramps, will cross multiple city streets, including Harrison, Folsom, Oscar, Clementina, Tehama, Howard and Natoma. These ramps connecting to the Bridge will primarily occupy the same footprint of the existing ramps along this alignment, though north of Howard Street the ramps curve slightly to the west instead of to the east. New bus ramps will also be

constructed to connect directly to the new bus storage facilities to be built underneath the freeway west of 2nd Street; these ramps cross Harrison and 2nd Streets. All of these ramps, and the related vacations, will begin at a height not less than 18 feet above street grade, approximately the same height as the underside of the existing ramps.

On April 22, 2004 the Planning Commission certified the EIR/EIS for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project pursuant to California Environmental Quality Act (CEQA) under Resolution No. 16774. The TJPA Board also adopted 5 addenda for different aspects of the Transit Center Program on June 2, 2006; April 19, 2007; January 17, 2008; October 17, 2008; and April 19, 2009, respectively. The April 19, 2009 addenda focused on the street vacation proposal that is the subject of this General Plan review. All these environmental review documents are incorporated herein by reference.

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1: MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 1.5 Coordinate regional and local transportation systems and provide interline transit transfers.

Policy 1.6 Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The new Transbay Transit Center, enabled by the subject partial street vacations, is a major public investment to create a modern intermodal public transit facility that will increase and improve transit service to San Francisco, as well as provide coordinated access and transfers between multiple regional and local transit services.

Policy 2.3 Design and locate facilities to preserve the historic city fabric and the natural landscape, and to protect views.

The new Transbay Transit Center will be built on the site of the current Transbay Terminal, minimizing disruption to the city fabric. The portions of the facility which require the partial above-grade street vacations occupy airspace in the same general locations as the existing Terminal and ramps, so will not

adversely affect existing views. Neither the above-grade or below-grade partial street vacations affect street-level circulation or the fabric of existing city streets.

Policy 4.1 Rapid transit lines from all outlying corridors should lead to stations and terminals that are adjacent or connected to each other in downtown San Francisco.

Policy 4.4 Integrate future rail transit extensions to, from, and within the city as technology permits so that they are compatible with and immediately accessible to existing BART, CalTrain or Muni rail lines.

The new Transbay Transit Center, enabled by the subject partial street vacations, will feature the downtown terminus station for the planned extension of CalTrain from its current terminus south of the downtown at 4th/King Streets. The station is being designed also to serve as the main Bay Area terminus for California High Speed Rail. The Transbay Transit Center is one block from Market Street, in close proximity to the existing Montgomery and Embarcadero BART/Muni subway stations. The below-grade partial street vacations are necessary to accommodate the rail-station portion of the Transit Center.

Policy 4.5 Provide convenient transit service that connects the regional transit network to major employment centers outside the downtown area.

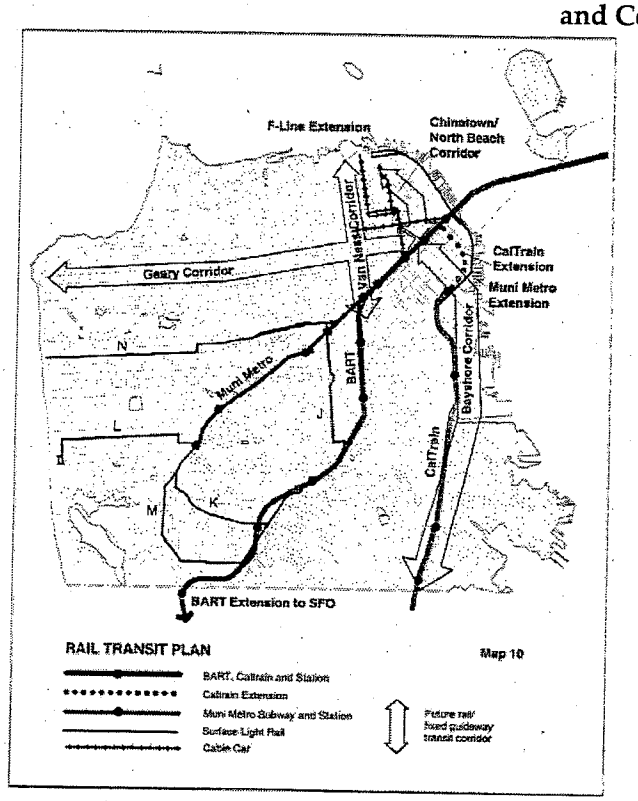
Policy 4.6 Facilitate transfers between different transit modes and services by establishing simplified and coordinated fares and schedules, and by employing design and technology features to make transferring more convenient, and increasing accommodation of bicycles on transit.

In addition to providing and improving connections to multiple local and regional transit services that provide service to almost all areas of the City and Bay Area, the new Transbay Transit Center will feature a bicycle station on its lower concourse level, the below-grade partial street vacations, in part, will facilitate.

Policy 20.8 Intensify overall transit service in the "central area.".

The new Transbay Transit Center, enabled by the subject partial street vacations, will intensify and improve transit service to downtown San Francisco, and support continued downtown activity and growth.

OBJECTIVE 21: DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN AND ALL MAJOR ACTIVITY CENTERS WITHIN THE REGION.



Policy 21.3 **Make future rail transit extensions in the city compatible with existing BART, CalTrain or Muni rail lines.**

The new Transbay Transit Center will be constructed with a below-grade rail station to accommodate the extension of CalTrain to downtown as envisioned in Map 10, Policy 21.3 and other supporting policies of the Transportation Element. This below-grade rail facility extends into the adjacent Minna and Natoma right-of-ways, as well as underneath 1st, Fremont, and Beale Streets, necessitating the subject below-grade partial street vacations.

Policy 21.7 Make convenient transfers between transit lines, systems and modes possible by establishing common or closely located terminals for local and regional transit systems, by coordinating fares and schedules, and by providing bicycle access and secure bicycle parking.

The new Transbay Transit Center, enabled by the subject partial street vacations, will feature the downtown terminus station for the planned extension of CalTrain from its current terminus south of the downtown at 4th/King Streets. The station is being designed also to serve as the main Bay Area terminus for California High Speed Rail. The Transbay Transit Center is one block from Market Street, including close proximity to the existing Montgomery and Embarcadero BART/Muni subway stations. The below-grade partial street vacations are necessary to accommodate the rail station portion of the Transit Center. In addition to providing and improving connections to multiple local and regional transit services that provide service to almost all areas of the City and Bay Area, the new Transbay Transit Center will feature a bicycle station on its lower concourse level, which the below-grade partial street vacations, in part, will facilitate.

URBAN DESIGN ELEMENT

Objectives and Policies

Policy 2.8 Maintain a strong presumption against the giving up of street areas for private ownership and use, or for construction of public buildings.

As stipulated in the agreements between the City and the Transbay Joint Powers Authority, the proposed partial street vacations would not now or ever be transferred to private ownership, but are for the construction of a public transportation facility and its supporting ramps. The partial above-grade street vacations on all streets but Minna and Natoma are for portions of the new Transit Center and its ramps that will span over these streets in almost exactly the same location and extent as the current Transbay Terminal and its ramps, and so will not decrease access to views, light, air, open space, or landscaping. Further, because the partial vacations would not affect the surface of the streets, the current use, access, and circulation would not be affected by the vacations. These partial vacations are necessary to construct the major multi-modal transportation facility for downtown San Francisco that will create and improve connections between San Francisco and other areas of the region and state.

Policy 2.9 Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review: a. No release of a street area shall be recommended which would result in:

(1) Detriment to vehicular or pedestrian circulation;

(2) Interference with the rights 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;

(4) Obstruction or diminishing of a significant view, or elimination of a viewpoint;

(5) Elimination or reduction of open space which might feasibly be used for public recreation;

(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;

(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;

(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;

(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;

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

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

(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.

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;

(2) In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;

(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;

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

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

None of the 12 conditions which would discourage approval of a proposed street vacation are present in the subject application. The proposed partial street vacations are necessary for the significant public use of a new multi-modal Transit Center that will feature improved facilities for Caltrain, Muni, AC Transit, California High Speed Rail, and other local and regional transit providers. The Transportation Element and Downtown Plan explicitly support the purpose of the project.

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 proposed partial street vacations are the least extensive area of vacations necessary to accommodate the core elements and structure of the new Transbay Transit Center and associated infrastructure. Most of the

proposed vacations are for airspace currently occupied by the existing Transbay Terminal and ramps (but for which vacations were never granted formally by the City) and which will be occupied in a similar configuration by the new facility. Further, the partial vacations are legally conditioned such that the rights to the street portions are only for the TJPA (or its successor) to construct, operate and maintain the Transit Center and its related public transportation infrastructure, and may not be used at any time for other purposes (such as the development of unrelated buildings) or be transferred to other parties. Should the TJPA (or its successor) not construct the Transit Center or ever abandon its use, the subject vacated portions of street will automatically revert back to ownership of the City and County of San Francisco and the vacations will by nullified (i.e. revert back to public right-of-way).

DOWNTOWN PLAN

Objectives and Policies

OBJECTIVE 17 DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN.

Policy 2.8 Maintain a strong presumption against the giving up of street areas for private ownership and use, or for construction of public buildings.

Policy 17.1 Build and maintain rapid transit lines from downtown to all suburban corridors and major centers of activity in San Francisco.

Policy 17.2 Expand existing non-rail transit service to downtown.

Policy 17.4 Coordinate regional and local transportation systems and provide for interline transit transfers.

Policy 17.5 Provide for commuter bus loading at off-street terminals and at special curbside loading areas at non-congested locations.

Policy 17.6 Make convenient transfers possible by establishing common or closely located terminals for local and regional transit systems.

OBJECTIVE 23 REDUCE HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE AND ECONOMIC DISLOCATION RESULTING FROM FUTURE EARTHQUAKES

The new Transbay Transit Center will replace a seismically-unsafe building and will be built according to high standards ensuring that it will be operational following any major seismic events or other disasters.

The proposed street vacations and related City property conveyances 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 airspace and below grade street vacations will not affect neighborhood retail or businesses.

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 airspace and below grade street vacations will not affect neighborhood retail or businesses.

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

The project would have no 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 project will improve transit service and capacity, and will provide a modern intermodal facility serving Muni, AC Transit, Caltrain, and other local and regional transit services. The project will reduce congestion on local streets and highways by improving public transit service.

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 project would not adversely affect the industrial or service sectors or future opportunities for resident employment or 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 new Transbay Transit Center will replace a seismically-unsafe building and will be built according to high standards ensuring that it will be operational following any major seismic events or other disasters.

7. That the landmarks and historic buildings be preserved;

Even though the existing Transbay Terminal is an historic structure, the proposed facility will replace an obsolete and seismically unsafe structure.

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

The facility will not shadow any public open spaces, and is planned to provide a 5.5-acre public park on its roof.

The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed findings of General Plan conformity on August 5, 2010.

NOW THEREFORE BE IT RESOLVED that the Commission hereby finds the proposed street vacations for the Transbay Transit Center and Related Bus Ramps and related conveyance of this City property to the TJPA, as described above and conditioned by the deed restrictions referenced above regarding use, transfer, and abandonment of the subject street areas, to be consistent with the General Plan of the City and County of San Francisco, including, but not limited to the Transportation and Urban Design Elements, the Downtown Plan, and is 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 foregoing Resolution was adopted by the Commission at its meeting on August 5, 2010.

Linda D. Avery

Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, and Olague

NOES: None

ABSENT: Commissioner Sugaya

ADOPTED: August 5, 2010

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
General Plan Referral
HEARING DATE: AUGUST 5, 2010

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	July 22, 2010
Case No.:	**2009.0622 R**
Project:	**Street Vacations for the Transbay Transit Center and Related Bus Ramps and Conveyance of This City Property to the TJPA**
Project Sponsor:	Transbay Joint Powers Authority 201 Mission Street, Suite 2100 San Francisco, CA 94105
Staff Contact:	Joshua Switzky – (415) 575-6815 joshua.switzky@sfgov.org
Recommendation:	**Find the proposed street vacations and conveyance of this City property to the TJPA, on balance, in conformity with the General Plan, with conditions.**

BACKGROUND

On September 22, 2009 the Planning Department received from the Department of Public Works a General Plan Referral Application submitted by Maria Ayerdi, Executive Director of the Transbay Joint Powers Authority (hereinafter "TJPA") on June 22, 2009 for various street vacations necessary for the construction of the new Transbay Transit Center (hereinafter "Transit Center") and associated bus ramps, also known as "Phase 1" of the Transbay Transit Center Program (hereinafter "the Program[1]"). The Project Sponsor submitted a letter on December 22, 2009 to stipulate that it will agree to certain deed restrictions on the proposed vacated areas being included in the agreements with the City through its City Attorney's Office and Department of Real Estate. These deed restrictions provide that (a) the property can be used only for the Transit Center or related bus ramps and rail extensions; (b) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center; and (c) if the TJPA abandons the use, or never completes construction of any portion of the Transit Center or its ramps, the associated vacated areas will automatically revert back to the City and County of San Francisco in fee simple. The Project Sponsor subsequently revised the application on July 21, 2010, to clarify dimensions and boundaries of proposed vacations.

[1] Phase 2 of the Program will include the downtown extension of Caltrain, which will accommodate high-speed trains in the underground level of the Transit Center. The TJPA will submit a second street vacation application at a later date for any street areas required for Phase 2.

Section 4.105 of the City Charter and 2A.53 of Administrative Code require General Plan referrals to the Planning Commission / Department 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.

The TJPA is a joint powers agency whose member agencies include the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board (Caltrain). The purpose of the TJPA is to design, build, develop, operate, and maintain the new Transit Center program, including the new Transbay Transit Center, downtown rail extension from the current Caltrain terminus at 4th and Townsend to the Transit Center, and new ramps connecting the Transit Center to the Bay Bridge and bus storage facilities.

PROJECT DESCRIPTION

The new Transit Center will provide expanded bus and rail service on the site of the existing Transbay Terminal at First and Mission Streets. The Transit Center program includes construction of new bus ramps connecting the Transit Center to the west approach of the Bay Bridge and to bus storage facilities underneath Interstate-80. Phase 2 of the Program is the construction of a below-grade extension of Caltrain to the Transit Center. The "train box," which is comprised of the two below grade levels of the Transit Center, is being designed to accommodate not only commuter trains but also future trains of the California High Speed Rail system, and is currently planned for construction as part of Phase 1.

On May 15, 2008, after an international Design and Development Competition, the TJPA approved a professional services agreement with a team led by Pelli Clark Pelli Architects to design the new Transit Center, including the bus ramps. The Transit Center will feature a 5-acre public park on its roof. The design team is finalizing the design of the building and construction is scheduled to begin in 2010.

The existing Transbay Terminal building and its related ramps currently exist over City streets, though formal actions, such as a street vacation, to recognize this infrastructure occupying the street areas were never enacted. As such, the above-ground areas currently proposed for vacation and property conveyances to accommodate the new structures are generally already physically occupied by existing structures to be removed. As such, the proposed above-ground street vacations do not generally represent new areas of infrastructure occupying public right-of-way.

The Transbay Joint Powers Authority is a government entity engaging in a major public infrastructure investment, and so it needs the certainty provided by the proposed street vacations and property conveyances, rather than other lesser existing City permit mechanisms, such as major encroachment permits (which are revocable).

Partial vacations of several public right-of-way are necessary and sought by the TJPA to accommodate the Transit Center (both above street level and below grade) and its ramps (above street level), for the following general conditions:

Transit Center Building Upper Levels. The Transit Center building, which will sit on the site of the current Transbay Terminal, will span over First and Fremont Streets. The width of the building is 183 feet. However, unlike the current Terminal, which sits low (less than 20 feet) over those streets, the primary underside of the new Transit Center where it crosses these streets will be at least 28 feet above street grade (though the proposed airspace vacations begin generally at 18 feet above grade to accommodate the exterior building cladding and the canted "basket columns" which penetrate the plane of the ROW at a height of 18 feet above the roadway as described in the next point.) The bus deck (third level above grade) and the park (i.e. roof level) also partially extend beyond the property line into the Minna and Natoma rights-of-way.

Transit Center Structural System and Exterior Cladding. The building's exterior cladding and structural system is designed as a series of undulating columns, or baskets, that flare out above street level. This allows supporting columns to be moved inward, creating more sidewalk space and openness around the building at ground level. These columns and the building's undulations extend beyond the property lines above street grade into the adjacent public rights-of-way, including Minna, Natoma, First, Fremont and Beale Streets. These architectural and structural elements penetrate the airspace of the public ROWs at a height no lower than 18 feet above street grade and approximately 15 feet above sidewalks. On both First and Fremont Streets, the vacation would include approximately 6 feet to 11 feet of ROW width (depending on location) down to sidewalk grade to recognize that the basket columns project into the ROW beginning at sidewalk level at the property line and rising quickly (within that width) to a vertical clearance of 15 feet above the sidewalks. One of the conditions of this vacation is that the TJPA must maintain these areas vacated down to grade on First and Fremont Streets as public sidewalk except for limited areas around the base of the columns where small barriers will be installed to ensure that pedestrians do not hit their heads on the columns and to protect the columns.

Train Box. The two below-grade levels of the Transit Center are referred to as the "train box." These levels contain the Concourse level (including passenger circulation, train waiting rooms, bicycle station, and taxi stand, among other mechanical and back-of-house functions) and the Train level (including 6 tracks with three platforms). The dimensions of the train box necessarily extend it laterally into the rights-of-way of Minna and Natoma Streets. Longitudinally, the train box begins just west of the west end of the Transit Center, extends the full footprint of the Transit Center under First and Fremont Streets, and extends further east under Beale Street. The top of the train box begins at a depth below street grade that varies from 1' 6" to 4' 9". The proposed below-grade vacations would occupy the southernmost 15 feet of the Minna ROW below grade and the northernmost 18 feet of the Natoma Street ROW below grade.

Bus Ramps. New bus ramps will replace the existing ramps. The ramps will connect the Transit Center to the Bay Bridge and, like a portion of the existing ramps, will cross multiple city streets, including Harrison, Folsom, Oscar, Clementina, Tehama, Howard and Natoma. These ramps connecting to the Bridge will primarily occupy the same footprint of the existing ramps along this alignment, though north of Howard Street the ramps curve slightly to the west instead of to the east. New bus ramps will also be constructed to connect directly to the new bus storage facilities to be built underneath the freeway west of 2nd Street; these ramps cross Harrison and 2nd Streets. All of these ramps, and the related vacations, will begin at a height not less than 18 feet above street grade, approximately the same height as the underside of the existing ramps.

The specific dimensions of each of the proposed vacations are detailed in the attached text and graphics accompanying the application.

ENVIRONMENTAL REVIEW

On April 22, 2004 the Planning Commission certified the EIR/EIS for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project pursuant to California Environmental Quality Act (CEQA) under Resolution No. 16774 . The TJPA Board also adopted 5 addenda for different aspects of the Transit Center Program on June 2, 2006; April 19, 2007; January 17, 2008; October 17, 2008; and April 19, 2009, respectively. The April 19, 2009 addenda focused on the street vacation proposal that is the subject of this General Plan review. All these environmental review documents are incorporated herein by reference.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must adopt the resolution finding the proposed street vacations and conveyance of this City property to the TJPA in conformity with the General Plan.

BASIS FOR RECOMMENDATION

The Department believes the proposed street vacations and conveyance of this City Property to the TJPA, subject to the deed restrictions regarding use, transfer and abandonment described above, are in conformity with the General Plan as described in the attached Case Report:

RECOMMENDATION:	**Find the proposed partial street vacations necessary for the Transbay Transit Center and bus ramps and conveyance of this City Property to the TJPA *In Conformity* with the General Plan.**

Attachments:
General Plan Case Report
Draft Motion
General Plan Referral Application, including:

- Dimensioned diagrams (plans and cross sections) of proposed street vacations
- Photographs of existing conditions
- Renderings of Proposed Transit Center

GENERAL PLAN CASE REPORT

RE: CASE NO. 2009.0622R
STREET VACATIONS FOR TRANSBAY TRANSIT CENTER AND RELATED BUS RAMPS AND CONVEYANCE OF THIS CITY PROPERTY TO THE TJPA

STAFF REVIEWER: JOSHUA SWITZKY

GENERAL PLAN CONSIDERATIONS
General Plan Objectives and Policies concerning the project are in **bold** font, and General Plan text is in regular font. Staff comments are in *italic font.*

TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 1.5

Coordinate regional and local transportation systems and provide interline transit transfers.

Policy 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The new Transbay Transit Center, enabled by the subject partial street vacations, is a major public investment to create a modern intermodal public transit facility that will increase and improve transit service to San Francisco, as well as provide coordinated access and transfers between multiple regional and local transit services.

Policy 2.3
Design and locate facilities to preserve the historic city fabric and the natural landscape, and to protect views.

The new Transbay Transit Center will be built on the site of the current Transbay Terminal, minimizing disruption to the city fabric. The portions of the facility which require the partial above-grade street vacations occupy airspace in the same general locations as the existing Terminal and ramps, so will not adversely affect existing views. Neither the above-grade or below-grade partial street vacations affect street-level circulation or the fabric of existing city streets.

POLICY 4.1
Rapid transit lines from all outlying corridors should lead to stations and terminals that are adjacent or connected to each other in downtown San Francisco.

POLICY 4.4
Integrate future rail transit extensions to, from, and within the city as technology permits so that they are compatible with and immediately accessible to existing BART, CalTrain or Muni rail lines.

The new Transbay Transit Center, enabled by the subject partial street vacations, will feature the downtown terminus station for the planned extension of CalTrain from its current terminus south of the downtown at 4th/King Streets. The station is being designed also to serve as the main Bay Area terminus for California High Speed Rail. The Transbay Transit Center is one block from Market Street, in close proximity to the existing Montgomery and Embarcadero BART/Muni subway stations. The below-grade partial street vacations are necessary to accommodate the rail-station portion of the Transit Center.

POLICY 4.5
Provide convenient transit service that connects the regional transit network to major employment centers outside the downtown area.

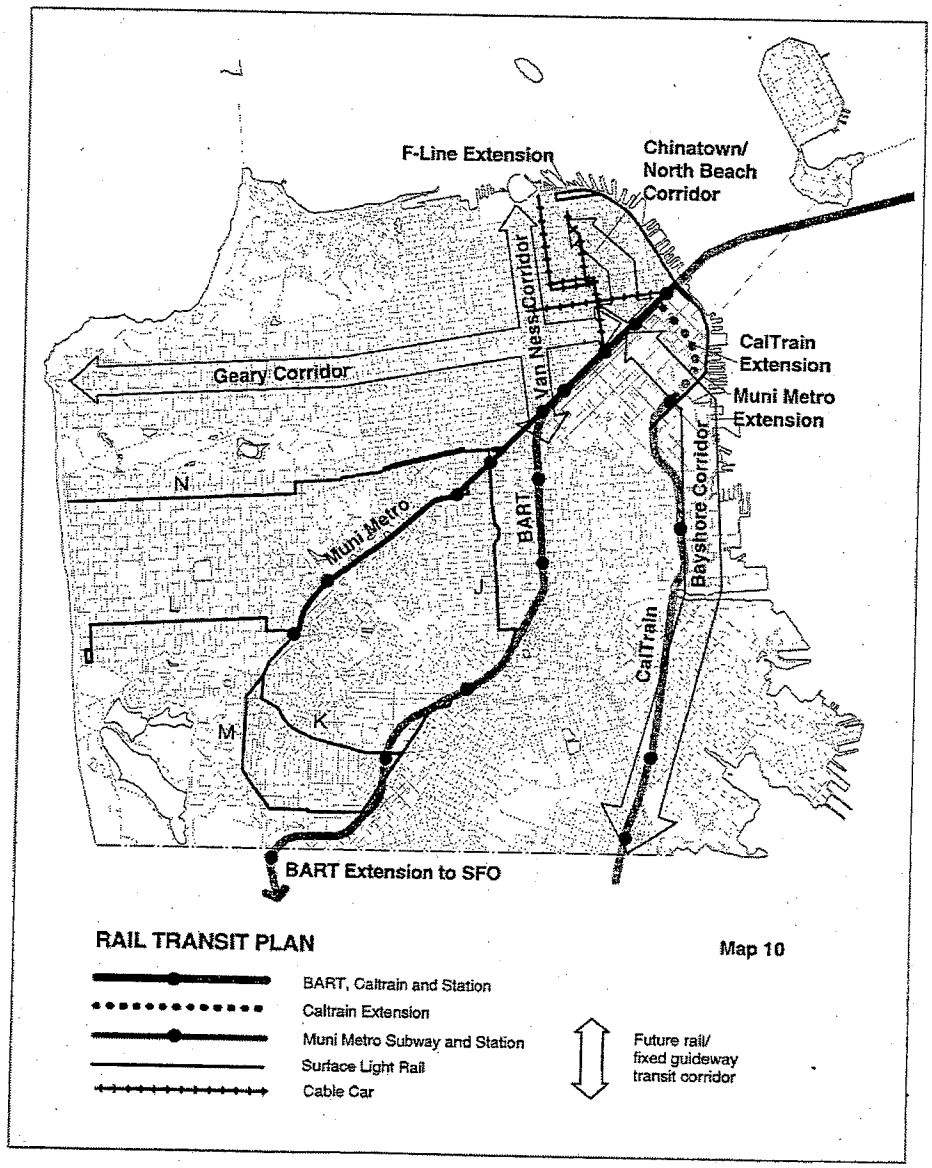
POLICY 4.6
Facilitate transfers between different transit modes and services by establishing simplified and coordinated fares and schedules, and by employing design and technology features to make transferring more convenient, and increasing accommodation of bicycles on transit.

In addition to providing and improving connections to multiple local and regional transit services that provide service to almost all areas of the City and Bay Area, the new Transbay Transit Center will feature a bicycle station on its lower concourse level, which will be enabled by the below-grade partial street vacations.

POLICY 20.8
Intensify overall transit service in the "central area."

The new Transbay Transit Center, enabled by the subject partial street vacations, will intensify and improve transit service to downtown San Francisco, and support continued downtown activity and growth.

OBJECTIVE 21
DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN AND ALL MAJOR ACTIVITY CENTERS WITHIN THE REGION.



POLICY 21.3
Make future rail transit extensions in the city compatible with existing BART, CalTrain or Muni rail lines.

The new Transbay Transit Center will be constructed with a below-grade rail station to accommodate the extension of CalTrain to downtown as envisioned in Map 10, Policy 21.3 and other supporting policies of the Transportation Element. This below-grade rail facility extends into the adjacent Minna and Natoma right-of-ways, as well as underneath 1st, Fremont, and Beale Streets, necessitating the subject below-grade partial street vacations.

POLICY 21.7

Make convenient transfers between transit lines, systems and modes possible by establishing common or closely located terminals for local and regional transit systems, by coordinating fares and schedules, and by providing bicycle access and secure bicycle parking.

The new Transbay Transit Center, enabled by the subject partial street vacations, will feature the downtown terminus station for the planned extension of CalTrain from its current terminus south of the downtown at 4th/King Streets. The station is being designed also to serve as the main Bay Area terminus for California High Speed Rail. The Transbay Transit Center is one block from Market Street, including close proximity to the existing Montgomery and Embarcadero BART/Muni subway stations. The below-grade partial street vacations are necessary to accommodate the rail station portion of the Transit Center. In addition to providing and improving connections to multiple local and regional transit services that provide service to almost all areas of the City and Bay Area, the new Transbay Transit Center will feature a bicycle station on its lower concourse level, which the below-grade partial street vacations, in part, will facilitate.

URBAN DESIGN ELEMENT

The Urban Design Element contains a robust discussion and set of policies that explicitly and strongly discourage or prohibit the vacation of public right-of-ways except in limited exceptional circumstances of overwhelming public benefit, such as for a major public project such as the Transbay Transit Center, as discussed below.

CONSERVATION

In the intensely urban environment of San Francisco, there are things that have not changed. These features provide people with a feeling of continuity over time, and with a sense of relief from the crowding and stress of city life and modern times. As the city grows, the keeping of that which is old and irreplaceable may be as much a measure of human achievement as the building of the new. Certainly, the old should not be replaced unless what is new is better.

The city's streets are a further resource to be conserved. Their value is not merely in the carrying of traffic. Streets are important in perception of the city pattern, since they make visible the city's outstanding features and its points of orientation. Streets also help regulate the organization and scale of building development, spacing out buildings and giving continuity to their facades.

Good views are another product of the street system. A majority of the city's streets may be said to have pleasing views of the Bay, the Ocean, distant hills or other parts of the city. Where good views are not available, streets can still function as open space for use by neighborhood residents and for landscaping to bring some sense of nature to the area.

Where the intensity of development is high, streets may even be necessary to maintain decent levels of light and air for residents and for pedestrians. In these areas, streets are the "breathing space" that permits buildings to reach high density on private properties. In other functions, streets also carry a complex of utility lines and provide access for truck deliveries and police and fire protection.

With this great variety of public values in the street system, it is necessary that clear policies be established to determine when streets must be retained in their present state, and when, under exceptional circumstances, street areas may be released for other uses consistent with the public interest.

FUNDAMENTAL PRINCIPLES FOR CONSERVATION

12. Street space provides an important form of public open space, especially in areas of high density that are deficient in other amenities.

13. Street space provides light, air, space for utilities and access to property.

14. Street space services as a means to control and regulate the scale and organization of the future development by: a. protecting against the accumulation of overly large parcels of property under single ownership on which massive buildings could be constructed; and b. indirectly controlling the visual scale and density of development, as well as maintaining continuity of facades.

COMMENT: Once vacated, a street space could be built upon to allowable densities. In some critical areas of the city, the addition of dwelling units or floor space on vacated street areas might be acutely felt.

16. Views from streets can provide a means for orientation and help the observer to perceive the city and its districts more clearly.

17. Blocking, construction or other impairment of pleasing street views of the Bay or Ocean, distant hills, or other parts of the city can destroy an important characteristic of the unique setting and quality of the city

The below-grade partial street vacations do not affect access to light and air, circulation, use of streets as open space, or change the scale and organization of development in the area. The partial above-grade street vacations on all streets but Minna and Natoma are for portions of the new Transit Center and its ramps that will span over these streets in almost exactly the same location and extent as the current Transbay Terminal, and so will not change or exacerbate any of the existing conditions with regards to light, air, views, or the scale and organization of development. Further, the partial vacations are being granted to the TJPA only for the purpose of constructing the Transit Center, and no additional development will be allowed at any time to occupy this airspace. The TJPA may not transfer or sell the rights to these vacated streets to another party or for any other use. Should the Transit Center not be constructed or should it or portions of it be removed at any time in the future, these partial street vacations (both above and below-grade) would automatically revert back to ownership by the City and County of San Francisco and the vacations reversed. The partial above-grade vacations on Minna and Natoma begin at a height no lower than 18 feet above roadway grade and approximately 15 feet or more above sidewalks, extend no more than 18 feet into the airspace of these streets, and therefore maintain a separation of at least 17 feet from the property lines on the opposite sides of the street.

POLICY 2.8

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

Street areas have a variety of public values in addition to the carrying of traffic. They are important, among other things, in the perception of the city pattern, in regulating the scale and organization of building development, in creating views, in affording neighborhood open space and landscaping, and in providing light and air and access to properties.

Like other public resources, streets are irreplaceable, and they should not be easily given up. Short-term gains in stimulating development, receipt of purchase money and additions to tax revenues will generally compare unfavorably with the long-term loss of public values. The same is true of most possible conversions of street space to other public uses, especially where construction of buildings might be proposed. A strong presumption should be maintained, therefore, against the giving up of street areas, a

presumption that can be overcome only by extremely positive and far-reaching justification.

The proposed partial street vacations would not now or ever be transferred to private ownership, but are for the construction of a public transportation facility and its supporting ramps. The partial above-grade street vacations on all streets but Minna and Natoma are for portions of the new Transit Center and its ramps that will span over these streets in almost exactly the same location and extent as the current Transbay Terminal and its ramps, and so will not decrease acess to views, light, air, open space, or landscaping. Further, because the partial vacations would not affect the surface of the streets, the current use, access, and circulation would not be affected by the vacations. These partial vacations are necessary to construct the major multi-modal transportation facility for downtown San Francisco that will create and improve connections between San Francisco and other areas of the region and state.

POLICY 2.9

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

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review: a. No release of a street area shall be recommended which would result in:

(1) Detriment to vehicular or pedestrian circulation;

(2) Interference with the rights 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;

(4) Obstruction or diminishing of a significant view, or elimination of a viewpoint;

(5) Elimination or reduction of open space which might feasibly be used for public recreation;

(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;

(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;

(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;

(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;

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

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

(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.

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;

(2) In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;

(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;

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

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

None of the 12 conditions which would discourage approval of a proposed street vacation are present in the subject application. The proposed partial street vacations are necessary for the significant public use of a new multi-modal Transit Center that will feature improved facilities for Caltrain, Muni, AC Transit, California High Speed Rail, and other local and regional transit providers. The Transportation Element and Downtown Plan explicitly support the purpose of the project.

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 proposed partial street vacations are the least extensive area of vacations necessary to accommodate the core elements and structure of the new Transbay Transit Center and associated infrastructure. Most of the proposed vacations are for airspace currently occupied by the existing Transbay Terminal and ramps (but for which vacations were never granted formally by the City) and which will be occupied in a similar configuration by the new facility. Further, the partial vacations are legally conditioned such that the rights to the street portions are only for the TJPA (or its successor) to construct, operate and maintain the Transit Center and its related public transportation infrastructure, and may not be used at any time for other purposes (such as the development of unrelated buildings) or be transferred to other parties. Should the

TJPA (or its successor) not construct the Transit Center or ever abandon its use, the subject vacated portions of street will automatically revert back to ownership of the City and County of San Francisco and the vacations will by nullified (i.e. revert back to public right-of-way).

DOWNTOWN PLAN

OBJECTIVE 17
DEVELOP TRANSIT AS THE PRIMARY MODE OF TRAVEL TO AND FROM DOWNTOWN.

POLICY 17.1
Build and maintain rapid transit lines from downtown to all suburban corridors and major centers of activity in San Francisco.

POLICY 17.2
Expand existing non-rail transit service to downtown.

POLICY 17.4
Coordinate regional and local transportation systems and provide for interline transit transfers.

POLICY 17.5
Provide for commuter bus loading at off-street terminals and at special curbside loading areas at non-congested locations.

POLICY 17.6
Make convenient transfers possible by establishing common or closely located terminals for local and regional transit systems.

OBJECTIVE 23
REDUCE HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE AND ECONOMIC DISLOCATION RESULTING FROM FUTURE EARTHQUAKES

The new Transbay Transit Center will replace a seismically-unsafe building and will be built according to high standards ensuring that it will be operational following any major seismic events or other disasters.

The proposal is ___X___ in conformity _____ not in conformity with the General Plan.

EIGHT PRIORITY POLICIES FINDINGS

RE: CASE NO. 2009.0622R
STREET VACATIONS FOR TRANSBAY TRANSIT CENTER AND RELATED BUS RAMPS AND CONVEYANCE OF THIS CITY PROPERTY TO THE TJPA

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. The project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The proposed airspace and below grade street vacations will not affect neighborhood retail or businesses.

2. The project would have no adverse effect on the City's housing stock or on neighborhood character. The proposed airspace and below grade street vacations will not affect neighborhood retail or businesses.

3. The project would have no adverse effect on the City's supply of affordable housing.

4. The project would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking. The project will improve transit service and capacity, and will provide a modern intermodal facility serving Muni, AC Transit, Caltrain, and other local and regional transit services. The project will reduce congestion on local streets and highways by improving public transit service.

5. The project would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

6. The project would have no adverse effect on the City's preparedness to protect against injury and loss of life in an earthquake. The new Transbay Transit Center will replace a seismically-unsafe building and will be built according to high standards ensuring that it will be operational following any major seismic events or other disasters.

7. Even though the existing Transbay Terminal is an historic structure, the proposed facility will replace an obsolete and seismically unsafe structure.

8. The project would have no adverse effect on parks and open space or their access to sunlight and vistas. The facility will not shadow any public open spaces, and is planned to provide a 5.5-acre public park on its roof.

City and County of San Francisco

Gavin Newsom, Mayor
Edward D. Reiskin, Director

(415) 554-5800
FAX (415) 554-5843
http://www.sfdpw.com

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

09.0922 R

September 22, 2009

Proposed Airspace Vacation On Various Locations For A New Transbay Terminal

Dept. of City Planning
1650 Mission Street, 4th Floor
San Francisco, Ca. 94103-2479

Attn: John Raiham

Dear Sir or Madam:

The Department of Public Works has received a request from Transbay Joint Powers Authority (TJPA) for airspace vacation on various locations for a new Transbay Terminal, as shown on the attached Department of Public Works Plan " SUR-6009 to SUR-17009 ".

Please inform us as soon as possible, whether or not you have any objections to this proposal. Should you have any objections, please state them in writing and include any pertinent maps or other documentation. If you have no objections, please so state by return letter.

Your prompt response to this request would be appreciated. If you have any questions, please call at 554-5831.

Sincerely,

Kam Hui
Subdivision and Mapping

Attach: SUR-6009 to SUR-17009

TJPA

TRANSBAY JOINT POWERS AUTHORITY

Maria Ayerdi-Kaplan • Executive Director

094669

June 26, 2009

Edward D. Reiskin, Director
Department of Public Works
Bureau of Street Use and Mapping
875 Stevenson Street, Room 410
San Francisco, CA 94103-0942

Subject: Transbay Transit Center Program
Transbay Joint Powers Authority Petition for Partial Street Vacations

Dear Director Reiskin:

The Transbay Joint Powers Authority (TJPA) submits this petition for partial street vacations. The Transbay Transit Center is currently designed to occupy portions of the public right-of-way (ROW) air space where the building extends over the street, and below ground where the train box extends below the street. In addition, bus ramps that connect the Transit Center to I-80 and a bus storage facility would occupy public ROW air space where they cross over city streets. The TJPA seeks to vacate the public ROW in those areas to enable construction of the new Transit Center and its associated structures. The TJPA is not requesting vacation of the surface area of any street. All streets involved in these public ROW vacations would remain functioning streets subject to street easements. The TJPA also requests that the City and County of San Francisco convey the vacated properties to the TJPA in fee simple. We are currently in discussions with the City's Director of Property concerning transfer of title to the vacated properties.

Included with this partial street vacation petition is a check payable to Department of Public Works for $32,500 (13 blocks at $2,500 each), and the following attachments:

a. A list of adjacent assessor's lots, street addresses, and property owners
b. Aerial photos of the project area and drawings showing the proposed vacations
c. Copies of the Notices of Intent and Request for Utility Information and Coordination that the TJPA has sent, responses received, and additional utility relocation information
d. Fifth Addendum to the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for public right-of-way vacations for the Transit Center and its design modifications
e. TJPA Board Resolution adopting the Fifth Addendum
f. A copy of the General Plan Referral Application submitted concurrently to the Planning Department

Bruce Storrs, City and County surveyor with the Department of Public Works and a consultant to the TJPA, is currently preparing survey sketches and legal descriptions for the proposed vacations. Below I provide the background of the TJPA and the Transbay Transit Center Program, descriptions of the proposed areas to be vacated, a summary of the completed environmental review, and a summary of proposed outreach to adjoining property owners.

Background

The TJPA is a joint powers agency whose member agencies include the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board.

201 Mission Street, Suite 2100, San Francisco, CA 94105 • 415.597.4620 • transbaycenter.org

The purpose of the TJPA is to design, build, develop, operate, and maintain a new transportation terminal known as the Transbay Transit Center and associated facilities in San Francisco (collectively, the Program).

The new Transit Center will provide expanded bus and rail service on the site of the existing Transbay Terminal at First and Mission streets. The Program includes construction of new bus ramps connecting the Transit Center to the west approach of the Bay Bridge and bus storage facilities. The Program also includes a below-grade extension of Caltrain to the Transit Center. The train box, which comprises the two below-grade levels of the Transit Center, is being designed to accommodate not only commuter trains but also high-speed trains that will run on the future California high-speed rail system.

On May 15, 2008, after an international Design and Development Competition, the TJPA approved a professional services agreement with the world-class design team Pelli Clarke Pelli Architects to design the new Transit Center. The building's exterior cladding is designed as a series of undulating steel basket columns that extend over city sidewalks. Renderings of Pelli Clarke Pelli's design for the Transit Center are included in Attachment F. Pelli Clarke Pelli is now poised to finalize the design of the Transit Center, and construction is scheduled to begin in 2010.

Proposed Public ROW Vacations

Partial public ROW vacations are necessary to allow for the Transit Center and associated bus ramps in the following locations:

a. First Street between Minna and Natoma streets
b. Fremont Street between Minna and Natoma streets
c. Beale Street between Mission and Howard streets
d. Minna Street between Second and First streets
e. Natoma Street between Second and First streets
f. Natoma Street between First and Fremont streets
g. Bus ramp overpasses at the following streets:
   - Harrison Street between Essex and Second streets
   - Folsom Street between Essex and Second streets
   - Clementina Street between Ecker Place and Second Street
   - Tehama Street between First and Second streets
   - Howard Street between First and Second streets
   - First Street between Clementina and Tehama streets
   - Oscar Alley between Clementina and Folsom streets
   - Second Street between Harrison and Stillman streets

Attachment B shows the area of the proposed vacations, which are described in more detail in sections a through g. The TJPA will refine and finalize the legal descriptions for the areas to be vacated before this application is submitted to the Board of Supervisors. This request for vacation is conditioned on the TJPA's finalizing the areas required for vacation.

a. First Street Between Minna and Natoma Streets
The train box requires the full width of the public ROW along First Street between Minna and Natoma streets for approximately 186 horizontal feet beginning at a depth of approximately 4 feet 9 inches below grade and extending downward vertically to the center of the earth.

The air space required for the Transit Center building over First Street would be approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center, which is the roof park. The above-ground vacation area on First Street between Minna and Natoma streets would measure approximately 180 horizontal feet of the full width of First Street.

b. Fremont Street Between Minna and Natoma Streets
The train box requires the full width of the public ROW along Fremont Street between Minna and Natoma streets for approximately 186 horizontal feet beginning at a maximum depth of 4 feet 9 inches below grade and extending downward vertically to the center of the earth.

The air space required for the Transit Center building would be approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center. The above-ground vacation area on Fremont Street between Minna and Natoma streets would measure approximately 180 horizontal feet of the full width of Fremont Street.

c. Beale Street Between Mission and Howard Streets
The train box requires the full width of the public ROW along Beale Street between Mission and Howard streets beginning at a maximum depth of 4 feet 9 inches below grade and extending downward vertically to the center of the earth. Vacation would include approximately 188 horizontal feet on the western side of Beale Street and approximately 220 horizontal feet on the eastern side of Beale Street.

The air space required for the project's proposed Beale Street pedestrian bridge and baskets would begin approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center. The above-ground vacation area on Beale Street between Mission and Howard streets would measure approximately 180 horizontal feet of the full width of Beale Street.

d. Minna Street between Second and First Streets
The train box would require vacation of the southern half of the public ROW from 1 foot 6 inches below grade and extending downward vertically to the center of the earth, beginning at the Transit Center property line and extending approximately 16 horizontal feet to the north along Minna Street between Second and First streets.

The air space required for the basket structure would be approximately 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend approximately 16 horizontal feet north of the property line over Minna Street.

e. Natoma Street between Second and First Streets

Eastern Section of Natoma Street between Second and First Streets. From the property boundary at First Street and running westward horizontally along Natoma Street, the Transit Center would occupy approximately 171 horizontal feet of ROW below and above grade. Beginning at a depth of 1 foot 6 inches below grade and extending downward vertically to the center of the earth, the train box would require approximately 10 feet of the north half of the public ROW as measured horizontally from the Transit Center's property boundary.

The air space required for the basket structure would be approximately 18 feet above grade, continuing vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend approximately 16 horizontal feet south of the property line over Natoma Street.

Western Section of Natoma Street between Second and First Streets. The train box would require the full width of the public ROW along Natoma Street beginning at a depth of 1 foot 6 inches below grade and extending vertically downward to the center of the earth. The areas that would be affected would begin at approximately 59 feet east of the property boundary on the eastern side of the intersection of Second and Natoma streets and would extend horizontally to approximately 171 feet east of the western property boundary at the northeast intersection of First and Natoma streets.

The air space required for the basket structure would be 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center and extending horizontally approximately 16 feet south of the property line.

f. Natoma Street between First and Fremont Streets
Beginning at the Transit Center property line and extending approximately 15 feet horizontally to the south along Natoma Street between First and Fremont streets, the train box would require the north half of the public ROW beginning at a depth of 1 foot 6 inches below grade and extending vertically downward to the center of the earth.

The air space required for the basket structure would be approximately 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend horizontally approximately 16 feet south of the property line over Natoma Street.

g. Bus ramp overpasses at Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, First Street, Natoma Street, Oscar Alley, and Second Street
The bus ramps connecting the Transit Center to I-80 and a bus storage facility under I-80 will cross (a) Harrison Street between Essex and Second streets; (b) Folsom Street between Essex and Second streets; (c) Clementina Street between Ecker Place and Second Street; (d) Tehama Street between First and Second streets; (e) Howard Street between First and Second streets; (f) First Street between Clementina and Tehama streets; (g) Natoma Street between First and Second streets; (h) Oscar Alley between Clementina and Folsom streets; and (i) Second Street between Harrison and Stillman streets. The air space required to be vacated for the project's bus ramps would begin approximately 18 feet above grade and extend vertically to the sky. Horizontally, the bus ramps require vacation of the full width of the public ROW at the crossings and will extend lengthwise for approximately 95 feet. On First Street, the vacation will extend lengthwise for approximately 30 feet.

Environmental Review

An FEIS/EIR for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project was adopted in April 2004 by the TJPA, the Peninsula Corridor Joint Powers Board, the City and County of San Francisco, and the San Francisco Redevelopment Agency. On February 8, 2005, the Federal Transit Administration issued a Record of Decision approving the FEIS/EIR. The impacts associated with most of the Transit Center structures that require public ROW vacations were previously analyzed in the FEIS/EIR. However, minor changes to the building design, specifically (1) the exterior façade of the upper levels and (2) a potential pedestrian bridge over Beale Street, were not analyzed in prior environmental documents. The TJPA developed a CEQA (California Environmental Quality Act) environmental checklist to address the question of whether these proposed changes to the project would trigger the need for subsequent environmental review pursuant to section 21166 of the Public Resources Code and sections 15162 and 15163 of the CEQA guidelines.

On April 9, 2009, the TJPA Board approved a Fifth Addendum to the FEIS/EIR with the findings of the environmental checklist. The Fifth Addendum found that the proposed public ROW vacations for the Transit Center and its design modifications will not trigger the need for subsequent environmental review pursuant to section 21166 of the Public Resources Code and sections 15162 and 15163 of the CEQA guidelines. The proposed public ROW vacations would not require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Furthermore, there have been no substantial changes with respect to the circumstances under which the public ROW vacations would be undertaken that would require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Therefore, the Fifth Addendum concluded that no subsequent or supplemental environmental impact report is required prior to approval of the public ROW vacations for the Transit Center and its design modifications. Attachment D contains a copy of the Fifth Addendum to the FEIS/EIR. Attachment E contains the TJPA Board Resolution adopting the Fifth Addendum to the FEIS/EIR.

Outreach to Adjoining Property Owners

Over the next few months, the TJPA will be sponsoring public outreach workshops to discuss demolition of the existing Transbay Terminal, utility relocation activities, construction of the new Transit Center, and the proposed partial public ROW vacations. Through this outreach, the TJPA hopes to receive letters from adjoining property owners supporting the proposed vacations. The TJPA will be supplementing its street vacation application as these letters are received.

Thank you for the assistance you and your staff have provided the TJPA in this process to date. If you need additional information, please do not hesitate to contact Heather Minner at (415) 552-7272 or minner@smwlaw.com.

Very truly yours,

Maria Ayerdi-Kaplan
Executive Director

Attachments

cc: Robert Beck, TJPA
Heather Minner, Shute, Mihaly & Weinberger
Barbara Moy, Department of Public Works
John Rahaim, Planning Department
Bruce Storrs, Department of Public Works

TJPA
TRANSBAY JOINT POWERS AUTHORITY
Maria Ayerdi-Kaplan • Executive Director

December 22, 2009

Bruce Storrs
San Francisco Department of Public Works
875 Stevenson Street, Room 460
San Francisco, CA 94103

Subject: Transbay Transit Center Program
Partial Street Vacation Petition of June 26, 2009

Dear Mr. Storrs:

This letter is in response to the Planning Department's request for clarification regarding the TJPA's partial street vacation petition for properties to be used for Phase 1 of the Transbay Transit Center Program (Program).

The TJPA is currently working with the City Attorney's Office and the Department of Real Estate to draft quitclaim deeds for the vacated areas from the City and County of San Francisco to the TJPA. The TJPA will agree to restrictions in those deeds providing that (a) the property can be used only for the Transit Center or related bus ramps and rail extensions; (b) the property cannot be conveyed to another party for another use, provided, however, that the TJPA may convey the property to another governmental entity if the transferee would own and operate the Transit Center; and (c) if the TJPA abandons the use, or never completes construction of the Transit Center, the vacated areas will automatically revert back to the City and County of San Francisco in fee simple.

The TJPA's street vacation petition covers all vacations the TJPA will need to construct Phase 1 of the Program. This includes construction of the Transit Center, its below-ground shoring walls, and the bus ramps connecting Interstate 80 to the Transit Center. The TJPA will submit a second street vacation petition at a later date for those areas required to construct Phase 2 of the Program. Phase 2 will include the downtown extension of Caltrain, which will accommodate high-speed trains in the underground level of the Transit Center.

Finally, in the next week or so, the TJPA will submit to you updated drawings that will more clearly show the dimensions of the areas it requests to be vacated. Some of these dimensions have been adjusted slightly from the TJPA's original petition. Please also note that the TJPA is no longer requesting vacations for a bridge over Beale Street. If elevators are constructed at the east end of the Transit Center, they will be inside the building and thus will not hang over the public sidewalk.

If you should need further clarification regarding the street vacation petition, please contact Heather Minner at 415-552-7272 or minner@smwlaw.com.

Sincerely,

Robert Beck, PE
Senior Program Manager

cc: Joshua Switzky, Heather Minner, Alfred Lau, Joyce Oishi, Will Spargur

TJPA
TRANSBAY JOINT POWERS AUTHORITY
Maria Ayerdi-Kaplan • Executive Director

June 26, 2009

John Rahaim
Director
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: Transbay Transit Center Program
Transbay Joint Powers Authority Application for General Plan Referral

Dear Mr. Rahaim:

The Transbay Joint Powers Authority (TJPA) submits the attached application for General Plan Referral regarding public right-of-way (ROW) vacations for the Transit Center and associated bus ramps. The Transbay Transit Center is currently designed to occupy portions of the public ROW air space where the building extends over the street, and below ground where the train box extends below the street. In addition, bus ramps that connect the Transit Center to I-80 and a bus storage facility would occupy public ROW air space where they cross over city streets. The TJPA seeks to vacate the public ROW in those areas to enable construction of the new Transit Center and its associated structures. The TJPA is not requesting vacation of the surface area of any street. All streets involved in these public ROW vacations would remain functioning streets subject to street easements.

Included with this letter is a check payable to the San Francisco Planning Department for $3,103, and the following attachments:

a. The General Plan Referral Application
b. Aerial photographs of the project area showing adjacent assessor's blocks and lots, and street addresses
c. Site plan drawings showing the proposed vacations
d. Renderings for the Transit Center
e. Photographs of the project area
f. Fifth Addendum to the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for public ROW vacations for the Transit Center and its design modifications
g. TJPA Board Resolution adopting the Fifth Addendum

Prospective drawings for the proposed Beale Street pedestrian bridge and the bus ramps to the Transit Center are not yet available. The TJPA will provide these drawings to the Planning Department in the near future. Below I provide the background of the TJPA and the Transbay Transit Center Program, descriptions of the proposed areas to be vacated, and a summary of the environmental review of the proposed ROW vacations.

Background

The TJPA is a joint powers agency whose member agencies include the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board. The purpose of the TJPA is to design, build, develop, operate, and maintain a new transportation terminal

known as the Transbay Transit Center and associated facilities in San Francisco (collectively, the Program).

The new Transit Center will provide expanded bus and rail service on the site of the existing Transbay Terminal at First and Mission streets. The Program includes construction of new bus ramps connecting the Transit Center to the west approach of the Bay Bridge and bus storage facilities. The Program also includes a below-grade extension of Caltrain to the Transit Center. The train box, which comprises the two below-grade levels of the Transit Center, is being designed to accommodate not only commuter trains but also high-speed trains that will run on the future California high-speed rail system.

On May 15, 2008, after an international Design and Development Competition, the TJPA approved a professional services agreement with the world-class design team Pelli Clarke Pelli Architects to design the new Transit Center. The building's exterior cladding is designed as a series of undulating steel basket columns that extend over city sidewalks. Renderings of Pelli Clarke Pelli's design for the Transit Center are included in Attachment D. Pelli Clarke Pelli is now poised to finalize the design of the Transit Center, and construction is scheduled to begin in 2010.

Proposed Public ROW Vacations

Partial public ROW vacations are necessary to allow for the Transit Center and associated bus ramps in the following locations.

a. First Street between Minna and Natoma streets
b. Fremont Street between Minna and Natoma streets
c. Beale Street between Mission and Howard streets
d. Minna Street between Second and First streets
e. Natoma Street between Second and First streets
f. Natoma Street between First and Fremont streets
g. Bus ramp overpasses at the following streets:
    - Harrison Street between Essex and Second streets
    - Folsom Street between Essex and Second streets
    - Clementina Street between Ecker Place and Second Street
    - Tehama Street between First and Second streets
    - Howard Street between First and Second streets
    - First Street between Clementina and Tehama streets
    - Natoma Street between First and Second streets
    - Oscar Alley between Clementina and Folsom streets
    - Second Street between Harrison and Stillman streets

Attachment C shows the area of the proposed vacations, which are described in more detail in sections a through g. The TJPA will refine and finalize the legal descriptions for the areas to be vacated before the public ROW vacation application is submitted to the Board of Supervisors. The request for vacation is conditioned on the TJPA's finalizing the areas required for vacation.

a. First Street Between Minna and Natoma Streets
The train box requires the full width of the public ROW along First Street between Minna and Natoma streets for approximately 186 horizontal feet beginning at a depth of approximately 4 feet 9 inches below grade and extending downward vertically to the center of the earth.

The air space required for the Transit Center building over First Street would be approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center, which is the roof park. The above-ground vacation area on First Street between Minna and Natoma streets would measure approximately 180 horizontal feet of the full width of First Street.

b. Fremont Street Between Minna and Natoma Streets
The train box requires the full width of the public ROW along Fremont Street between Minna and Natoma streets for approximately 186 horizontal feet beginning at a maximum depth of 4 feet 9 inches below grade and extending downward vertically to the center of the earth.

The air space required for the Transit Center building would be approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center. The above-ground vacation area on Fremont Street between Minna and Natoma streets would measure approximately 180 horizontal feet of the full width of Fremont Street.

c. Beale Street Between Mission and Howard Streets
The train box requires the full width of the public ROW along Beale Street between Mission and Howard streets beginning at a maximum depth of 4 feet 9 inches below grade and extending downward vertically to the center of the earth. Vacation would include approximately 188 horizontal feet on the western side of Beale Street and approximately 220 horizontal feet on the eastern side of Beale Street.

The air space required for the project's proposed Beale Street pedestrian bridge and baskets would begin approximately 18 feet above grade and extend vertically skyward approximately 87 feet to the top level of the Transit Center. The above-ground vacation area on Beale Street between Mission and Howard streets would measure approximately 180 horizontal feet of the full width of Beale Street.

d. Minna Street between Second and First Streets
The train box would require vacation of the southern half of the public ROW from 1 foot 6 inches below grade and extending downward vertically to the center of the earth, beginning at the Transit Center property line and extending approximately 16 horizontal feet to the north along Minna Street between Second and First streets.

The air space required for the basket structure would be approximately 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend approximately 16 horizontal feet north of the property line over Minna Street.

e. Natoma Street between Second and First Streets

Eastern Section of Natoma Street between Second and First Streets. From the property boundary at First Street and running westward horizontally along Natoma Street, the Transit Center would occupy approximately 171 horizontal feet of ROW below and above grade. Beginning at a depth of 1 foot 6 inches below grade and extending downward vertically to the center of the earth, the train box would require approximately 10 feet of the north half of the public ROW as measured horizontally from the Transit Center's property boundary.

The air space required for the basket structure would be approximately 18 feet above grade, continuing vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend approximately 16 horizontal feet south of the property line over Natoma Street.

Western Section of Natoma Street between Second and First Streets. The train box would require the full width of the public ROW along Natoma Street beginning at a depth of 1 foot 6 inches below grade and extending vertically downward to the center of the earth. The areas that would be affected would begin at approximately 59 feet east of the property boundary on the eastern side of the intersection of Second and Natoma streets and would extend horizontally to approximately 171 feet east of the western property boundary at the northeast intersection of First and Natoma streets.

The air space required for the basket structure would be 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center and extending horizontally approximately 16 feet south of the property line.

f. Natoma Street between First and Fremont Streets

Beginning at the Transit Center property line and extending approximately 15 feet horizontally to the south along Natoma Street between First and Fremont streets, the train box would require the north half of the public ROW beginning at a depth of 1 foot 6 inches below grade and extending vertically downward to the center of the earth.

The air space required for the basket structure would be approximately 18 feet above grade, extending vertically skyward approximately 87 feet to the top level of the Transit Center. The basket structure would extend horizontally approximately 16 feet south of the property line over Natoma Street.

g. Bus ramp overpasses at Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, First Street, Natoma Street, Oscar Alley, and Second Street

The bus ramps connecting the Transit Center to I-80 and a bus storage facility under I-80 will cross (a) Harrison Street between Essex and Second streets; (b) Folsom Street between Essex and Second streets; (c) Clementina Street between Ecker Place and Second Street; (d) Tehama Street between First and Second streets; (e) Howard Street between First and Second streets; (f) First Street between Clementina and Tehama streets; (g) Natoma Street between First and Second streets; (h) Oscar Alley between Clementina and Folsom streets; and (i) Second Street between Harrison and Stillman streets. The air space required to be vacated for the project's bus ramps would begin approximately 18 feet above grade and extend vertically to the sky. Horizontally, the bus ramps require vacation of the full width of the public ROW at the crossings and will extend lengthwise for approximately 95 feet. On First Street, the vacation will extend lengthwise for approximately 30 feet.

Environmental Review

An FEIS/EIR for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project was adopted in April 2004 by the TJPA, the Peninsula Corridor Joint Powers Board, the City and County of San Francisco, and the San Francisco Redevelopment Agency. On February 8, 2005, the Federal Transit Administration issued a Record of Decision approving the FEIS/EIR. The impacts associated with most of the Transit Center structures that require public ROW vacations were previously analyzed in the FEIS/EIR. However, minor changes to the building design, specifically (1) the exterior façade of the upper levels and (2) a potential pedestrian bridge over Beale Street, were not analyzed in prior environmental documents. The TJPA developed a CEQA (California Environmental Quality Act) environmental checklist to address the question of whether these proposed changes to the project would trigger the need for subsequent environmental review pursuant to section 21166 of the Public Resources Code and sections 15162 and 15163 of the CEQA guidelines.

On April 9, 2009, the TJPA Board approved a Fifth Addendum to the FEIS/EIR with the findings of the environmental checklist. The Fifth Addendum found that the proposed public ROW vacations for the Transit Center and its design modifications will not trigger the need for subsequent environmental review pursuant to section 21166 of the Public Resources Code and sections 15162 and 15163 of the CEQA guidelines. The proposed public ROW vacations would not require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Furthermore, there have been no substantial changes with respect to the circumstances under which the public ROW vacations would be undertaken that would require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Therefore, the Fifth Addendum concluded that no subsequent or supplemental environmental impact report is required prior to approval of the public ROW vacations for the Transit Center and its design modifications. Attachment F contains a copy of the Fifth Addendum to the FEIS/EIR. Attachment G contains the TJPA Board resolution adopting the Fifth Addendum to the FEIS/EIR.

Thank you for the assistance you and your staff have provided to the TJPA in this process to date. If you need additional information, please do not hesitate to contact Heather Minner at (415) 552-7272 or minner@smwlaw.com.

Very truly yours,

Maria Ayerdi-Kaplan
Executive Director

Attachment: Application for General Plan Referral

cc: Robert Beck, TJPA
Heather Minner, Shute, Mihaly & Weinberger
Barbara Moy, Department of Public Works
Joshua Switzky, Planning Department
Bruce Storrs, Department of Public Works

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information
415.558.6377

APPLICATION FOR GENERAL PLAN REFERRAL

This is an application to the Planning Commission for a General Plan Referral, specifically provided for in Section 4.105 of the San Francisco Charter, and Sections 2A.52 and 2A.53 of the Administrative Code.

The Charter and Administrative Code require that projects listed in Section 4 of this application be referred to the Planning Department to determine consistency with the General Plan prior to the Board of Supervisors' consideration of and action on any ordinance or resolution. The Referral finding the proposal consistent or inconsistent with the General Plan will result in a letter to the applicant for the Board of Supervisor's consideration. The finding of inconsistency may be overruled by a two-thirds vote of the Board of Supervisors.

Early involvement of the Planning Department in the preparation of a proposal is advisable in order to avoid delays in responding to General Plan Referral applications.

In most instances, General Plan Referrals are handled administratively by the Planning Department. However, some Referrals may be heard by the Planning Commission. This is required for proposals inconsistent with the General Plan, for proposals generating public controversy, or for complex proposals.

The staff of the Planning Department is available to advise you in the preparation of this application. Please call Stephen Shotland at 558-6308.

INSTRUCTIONS

1. Answer all questions fully. Please type or print in ink. Attach additional pages if necessary.

2. For projects proposed in the public right-of-way, please list the adjacent Assessor's Block(s) and lot(s) for each project block fronting the right-of-way, and street address(es) under Site Information on page 3.

3. The completed General Plan Referral application form, along with two copies and required materials, should be sent to
   General Plan Referrals - Attention: Maria Oropeza-Singh
   Planning Department
   1650 Mission Street, Suite 400
   San Francisco, CA 94103 -

4. An initial fee must accompany all applications [except for agencies which have a quarterly billing arrangement with the Planning Department]. Planning Code Article 3.5 establishes Planning Department fees for General Plan Referrals. Please call 558-6377 for the required amount. Time and materials charges will be billed if the initial fee for staff time is exceeded. Payment of outstanding fees is required before the findings letter is released.

APPLICATION CHECKLIST FOR GENERAL PLAN REFERRAL

Filing your completed application and the required materials shown below serves to open a Planning Department file for the proposed project. After the file is established, the staff person

assigned to the project will review the application to determine whether it is complete or whether additional information is required in order for the Planning Department to proceed.

Staff will determine for all referral applications whether the proposal is exempt from environmental review or not. If the project is not exempt from environmental review, staff will inform you, and you will need to file an environmental evaluation application and pay the appropriate fees.

SUBMIT THESE MATERIALS WITH APPLICATION (2 copies)	ARE MATERIALS PROVIDED ?	IF NOT PROVIDED, PLEASE EXPLAIN
Cover letter with project description signed by the applicant	Yes	
Application with all blanks filled in and signed by City Agency with jurisdiction over property or project	Yes	
Map showing adjacent properties	Yes	
Site Plan	Yes	
8 1/2 x 11 Reduction of Site Plan	No	Larger documents approved
Architectural floor plans	No	See Site Plan
Elevations of proposed project/site	Yes	
Photographs of project/site	Yes	
Check payable to Planning Department	Yes	
Letter authorizing agent to sign application	No	Application signed by Executive Director
Name and signature of City Department official with jurisdiction over project	Yes	
Draft outlining compliance with eight Priority Policies of Planning Code Section 101.1	Yes	

SAN FRANCISCO
PLANNING DEPARTMENT

General Plan Referral Application

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLEASE TYPE OR PRINT

1. Site Information

Project Street Address(es) of Project: Transbay Transit Center at First and Mission Streets and associated I-80 bus ramps

Cross Streets: Beale, Fremont, First, Minna, Natoma, Howard, Tehama, Clementina, Folsom, Oscar, Harrison, Second

Assessor's Block(s) / Lot(s): See attached aerial photos of project area

[If project is in street right-of-way, list block(s) /lot(s) fronting proposed project.]

2. Project Title, Description: *(Use additional pages if necessary)*

Project Title: Public ROW vacations for the Transbay Transit Center and associated bus ramps

Project Description See attached cover letter

Present or Previous Use: Transbay Terminal

Building Permit Application No. N/A Date Filed:

What Other Approvals Does Project Require?
DPW street vacation approval, Board of Supervisors approval

3. Project Sponsor / Applicant Information

Name: Transbay Joint Powers Authority Telephone (415) 597-4620

Address: 201 Mission Street, Suite 2100, S.F., CA Zip 94105

Applicant's Name / Contact: Maria Ayerdi-Kaplan Telephone: ( )
[if different from above]

Date:

4. City Department with Jurisdiction over property (if Project is on City-owned property):

Dept.: Department of Public Works

Address: 1 Dr. Carlton B. Goodlett Place Zip 94102
City Hall, Room 348, S.F., CA

Staff Name: Telephone ( )

Signature: Bruce St Date: 7/2/09
City Department Manager / Representative
BRUCE STARKS

If project is under jurisdiction of more than one Department, complete following section or attach additional sheets

Dept.Name: _____

Address: _____ Zip _____

Department staff name: _____ Telephone ( ) _____

Address: _____ Zip _____

Signed: _____ Date: _____
(Signature - City Department Representative)

5. Project Description - Circle All that Apply

PROJECT	PROPOSED ACTION			
Open Space, Other Property	Acquisition	Sale	Change in Use	Other/Specify below
Public Building or Structure	New Construction	Alteration	Demolition	
	Change in Use	Sale		Other/Specify below
Sidewalk, Street, Transportation Route	Widening	Narrowing	Encroachment Permit	
	Street Vacation	Abandonment	Extension	Other/Specify below
Redevelopment Area/Project	New	Major Change	Change in Use	Other/Specify below
Subdivision	New	Replat		Other/Specify below
Public Housing	New Construction	Major Change	Change in Use	Other/Specify below
Publicly Assisted Private Housing	New Construction	Major Change	Change in Use	Other/Specify below
Capital Improvement Plan	Annual Capital Expenditure Plan	Six Year Capital Improvement Program	Capital Improvement Project	Other/Specify below
Long Term Financing Proposal	General Obligation Bond	General Revenue Bond	Non-profit Corporation Proposal	Other/Specify below

If other, please specify: _____

Affidavit

I certify the accuracy of the following declarations:

a. ~~The undersigned is the owner or authorized agent of the owner of this property.~~ N/A

b. The information presented is true and correct to the best of my knowledge.

Signed: _____ 6/30/09

Applicant (If City Department, Project Manager) Date

Maria Ayerdi-Kaplan, Executive Director

(Print name in full)

If more than one Dept has jurisdiction over project, provide authorization on separate sheets.

6. Planning Code Section 101.1(b) Priority Policies

Section 101.1 of the San Francisco Planning Code requires findings that demonstrate consistency of the proposal with the eight priority policies of Section 101.1. These findings must be presented to the Planning Department before your project application can be reviewed for general conformity with San Francisco's General Plan.

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

See attached.

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

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

4. That commuter traffic not impede Muni transit service or overburden our 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 residential employment and ownership in these sectors be enhanced;

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

7. That landmarks and historic buildings be preserved; and

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

The following sections of the San Francisco Charter and Administrative Code are added for your information.

SAN FRANCISCO CHARTER § 4.105

PLANNING COMMISSION

....."Referral of Certain Matters

The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as they may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance."

ADMINISTRATIVE CODE

§ 2A.52 CAPITAL IMPROVEMENT ADVISORY COMMITTEE - GENERAL PLAN REFERRALS The Capital Improvement Advisory Committee cannot act upon the annual capital expenditure plan, six year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or non-profit corporation proposals until a General Plan Referral report has been rendered by the Planning Department regarding conformity of the project with the General Plan. In order to complete the General Plan Referral Report in a timely fashion, early involvement of the Planning Department in the planning process is advised. The Planning Department is available to prepare a Policy Analysis Report. This report will provide policy guidance for the planning and decision making of the proposal and its alternatives.

If the Planning Department fails to render a General Plan Referral report within 45 days after receipt of such referral, unless a longer time has been granted by the Board of Supervisors, said capital improvement plan shall be deemed to be in conformity with the General Plan. Procedures for General Plan referrals as set forth in Section 2A.53 of this Code shall be applicable.

Further, to facilitate rational prioritization of capital improvement projects over a six year time period and within the resource and debt capacity, the Planning Department shall assist in developing a Strategic Plan for Capital Expenditures for use of the Capital Improvement Advisory Committee and the Board of Supervisors.

ADMINISTRATIVE CODE
§ 2A.53 GENERAL PLAN REFERRALS

(a) **General.** The Charter requires that the Planning Department prepare written reports regarding the conformity with the General Plan for the use of the Board of Supervisors prior to its action on the acquisition, vacation, sale, change in use or title of public property, subdivisions of land, construction or improvement of public buildings or structures, plans for public housing or publicly assisted private housing, or redevelopment project plans, within the City and County.

(b) **Purpose.** The General Plan is a compendium of policies on all aspects of the City and County's physical development, formulated with extensive public participation, adopted by the Planning Commission, and approved by the Board of Supervisors. In order to implement the public policy contained in the General Plan, the following procedures will be used in determining consistency with the General Plan and reporting the findings to the Board of Supervisors in a timely manner prior to action on the proposal. Early involvement of the Planning Department in the planning of a project or plan is advisable to avoid delays. The Planning Department is available to provide Policy Analysis Reports on issues concerning the physical development of the city as a proactive information tool for decision making and analysis of applicable public policy as contained in the General Plan.

(c) **Applicability.** The following actions by the Board of Supervisors require a written report from the Planning Department on the consistency of the proposed action with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale or change in the use of any public way, transportation route, ground, open space, building, or structure owned by the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County, the annual capital expenditure plan, six year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or non-profit corporation proposals;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County;

6. Programs and schedules which link the General Plan to the allocation of local, state and federal resources; and
7. Any substantial change to any of the above actions.

(d) Application. Property owners, public agencies and their respective agents shall initiate General Plan Referrals by filing a completed application containing all required information with the Planning Department and paying an initial fee set forth in the Planning Code. The remainder of the fee, based on time and materials, shall be paid prior to the transmittal of the General Plan Referral Report to the applicant or Board of Supervisors. The Planning Department shall determine whether the application is complete and shall notify the applicant and, in the case of an incomplete application, request the necessary information.

(e) Determination. For most General Plan Referral applications, a written General Plan Referral Report stating that a proposed action is consistent with the General Plan, shall be transmitted to the applicant for submittal with the proposal to the Board of Supervisors in 45 days after accepting a complete application. If the response requires more than 45 days because of environmental review procedures, the complexity of the proposed action, public controversy generated by the proposal, or a public hearing before the Planning Commission, the Department shall notify the applicant and Board of Supervisors.

Proposals which are inconsistent with the General Plan, complex or have generated public controversy, shall require a public hearing and determination by the Planning Commission. The Planning Commission resolution finding a proposal in conformity with the General Plan or disapproving the proposed action because of nonconformity with the General Plan shall be submitted to the Board of Supervisors and the applicant within five business days after receipt of payment.

(f) Board of Supervisor Action
Resolutions or motions for actions listed under (c) of this section shall include a finding of consistency with the General Plan. The Planning Commission disapproval of a proposed action may be overruled by a vote of not less than two-thirds of the members of the Board of Supervisors."

6. Planning Code Section 101.1(b) Priority Policies

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

The proposed public ROW vacations will not displace any existing neighborhood-serving retail uses. No new retail uses are expected to be located in the vacated areas. The area vacated for the Beale Street pedestrian bridge, however, would provide public access to support potential new retail on the second and park levels of the Transit Center, and at a new building on the east side of Beale Street.

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

The 1985 Downtown Plan envisioned the area around the Transbay Terminal as the heart of the new Downtown. The City is currently developing a Transit Center District Plan to build upon this vision. The proposed vacated areas will support public transportation connections to the Transit Center. This will maintain the character of the neighborhood as a transportation hub. Other proposed vacated areas will support an exterior basket structure façade for the new Transit Center. The basket structures will introduce a modern design not currently represented in the neighborhood. The basket structures, however, are consistent with making the Transit Center a distinctive visual focal point for the neighborhood. The proposed vacation for the Beale Street pedestrian bridge will improve access to public recreation opportunities in the neighborhood. In addition, several other bridge structures already cross over Beale Street in the neighborhood. All of the proposed vacations are for air or below-ground rights and will not disturb existing street and pedestrian circulation patterns.

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

The proposed public ROW vacations will not eliminate any affordable housing.

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

The proposed public ROW vacations would support the basket structures, train box, pedestrian bridge, structural bridges, and bus ramps. These structures would not increase commuter traffic. The new bus ramps, bus deck level, and train box would facility public transportation that could replace commuter traffic.

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 residential employment and ownership in these sectors be enhanced;

The proposed public ROW vacations would not support commercial office development. The Beale Street pedestrian bridge would provide public access to support potential new retail

services on second and park levels of the Transit Center and at a new building on the east side of Beale Street.

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

The Transit Center has been designed with pile supported foundations sufficient to support all functions (Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) pp. 5-79 to 5-80, 5-225). The new basket structures would be designed to connect into the existing superstructure intended to support the Transit Center. The design elements would be evaluated along with the entire structure to conform to required code standards for seismicity. Structural components of the project would be designed and constructed to resist strong ground motions approximating the maximum anticipated earthquake (0.5g) (FEIS/EIR p. 5-80). As identified in the FEIS/EIR, supports would serve to minimize settlement and lateral displacement resulting from seismic shaking (FEIS/EIR p. 5-80). The Beale Street pedestrian bridge would be designed to the same construction standards identified in the FEIS/EIR for the Transit Center.

7. That landmarks and historic buildings be preserved; and

The proposed public ROW vacations will not result in additional demolition that would not otherwise occur. The California Legislature granted the TJPA the authority to demolish the Transbay Terminal and ramps, contributing elements of the historic Bay Bridge. (Pub. Resources Code § 5027.1).

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

The proposed public ROW vacations would not produce adverse impacts to parks and open space because none are located in the immediate vicinity. The Beale street bridge would create additional vistas from the bridge. The proposed air right vacations over Fremont and First Streets will support creation of a new public park spanning over those streets. Several of the air right vacations will simply replace existing overhead structures. The proposed air right vacation over Beale Street occurs in an area that is currently occupied by a Transbay Terminal bus ramp that passes over the Street. Similarly, the proposed air right vacations over Fremont and First Streets occur in areas where the current Transbay Terminal passes over the Streets.

Fifth Addendum to the
Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project
Final Environmental Impact Statement/Environmental Impact Report
(SCH #95063004)

I. INTRODUCTION

In April 2004, the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) (SCH #95063004) was certified by the City and County of San Francisco (the City), the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency.

Pursuant to Section 15164 of the Guidelines implementing the California Environmental Quality Act (CEQA), the following addenda to the FEIS/EIR have been prepared.

- A first addendum to the FEIS/EIR identified modifications to the Transbay Transit Center design and construction staging and revisions to the Temporary Terminal site plan. The first addendum was adopted by the Transbay Joint Powers Authority (TJPA) Board of Directors on June 2, 2006.

- A second addendum revised the Locally Preferred Alternative for the Caltrain Downtown Extension Project (DTX), including design provisions to allow future construction of a Townsend/Embarcadero/Main Loop and the delay in construction of tail tracks on Main Street pending the outcome of future rail planning studies to accommodate California High-Speed Rail. The second addendum was adopted by the TJPA Board on April 17, 2007.

- A third addendum amended the list of properties identified for full acquisition to include 546 Howard Street, which was identified in the FEIS/EIR for partial acquisition. The third addendum was adopted by the TJPA Board on January 17, 2008.

- A fourth addendum revised configuration, boarding platforms and waiting areas, bus staging areas, and street design associated with the Temporary Terminal. The fourth addendum was adopted by the TJPA Board on October 17, 2008.

II. SUMMARY DESCRIPTION OF FIFTH ADDENDUM

The Transbay Transit Center (TTC or Transit Center) is designed to occupy portions of the public right-of-way (ROW). Accordingly, the TJPA will apply to the City and County of San Francisco to vacate the public ROW in those areas. The impacts associated with most of the TTC structures that require public ROW vacation were previously analyzed in the FEIS/EIR. *See* Section III. Accordingly, analysis of these structures will not be a part of this addendum. However, minor changes to the building design, specifically (1) exterior façade of the upper levels and (2) a pedestrian bridge over Beale Street, were not analyzed in prior environmental documents. Accordingly, a

CEQA environmental checklist was developed to address the question of whether these proposed changes to the project would trigger the need for subsequent environmental review pursuant to Public Resources Code section 21166 and sections 15162 and 15163 of the CEQA guidelines. This addendum presents the findings of the environmental checklist.

III. PRIOR ENVIRONMENTAL REVIEW

The FEIS/EIR evaluated the following natural resources and urban systems: Land Use/Wind/Shadow, Displacements and Relocations, Socio-economics, Community Facilities and Services/Safety and Security, Parklands/Schools/Religious Institutions, Air Quality, Noise and Vibration, Geology and Seismology, Water Resources and Floodplains, Utilities, Historic and Cultural Resources, Hazardous Materials, Visual and Aesthetics, Transit/Traffic/Parking, and Construction Methods and Impacts. Analysis of cumulative impacts was included in the discussion for each topic area.

A. Bus Ramp Overpasses

Pages 2-16 through 2-21, and 5-161 of the FEIS/EIR addressed the potential impacts associated with the bus ramps connecting the terminal, bus storage areas, and I-80. Addendum No. 1 to the FEIS/EIR found that by eliminating one bus level, the bus ramp linking the TTC with I-80 could be confined to a single-level structure replacing the two-level, stacked ramp concept described for the Locally Preferred Alternative (LPA). The addendum identified the ramp as a single-level ramp approximately 40 feet above street level and approximately 20 feet lower than the top of the stacked ramp. Thus, the current ramp configuration design consists of a single level connector between I-80 and the TTC.

B. Train Box

The FEIS/EIR evaluated the potential environmental impacts associated with the terminal, including the train box, which was identified as a component of the project. The FEIS/EIR evaluated a train box with space to accommodate six tracks for platform berthing locations at the TTC. The train box remains in the location identified in previous environmental documents.

C. Transit Center Bridges Over First and Fremont

Chapter 2, and pages 5-112, 5-161, and 5-208 of the FEIS/EIR addressed the environmental impacts associated with the Transit Center bus deck bridges over First and Fremont.

D. Utility Relocation

Pages 5-81, 5-83, 5-216, and 5-164 of the FEIS/EIR addressed the potential environmental impacts associated with the relocation of utilities that will be required during construction of the TTC.

IV. DESIGN MODIFICATIONS

A. Basket Structures

Modifications to the Transit Center Design evaluated in this addendum include a structural shell that would undulate in a convex and concave shape, suspended from a series of "Y" columns in a curtain wall fashion (the basket structure or the baskets). This basket structure would be attached to the superstructure on the side of the proposed TTC. The structure would be suspended above the sidewalk on levels two and three, leaving the first level open for pedestrian circulation allowing for a continuous sidewalk thoroughfare underneath the TTC. The basket structure would begin approximately 18 feet above the sidewalk and gradually curve up to a height of approximately 87 feet and out to a maximum horizontal reach of approximately 16 feet from the property line. The new curved structural design is more organic in appearance than the original design, with a shape that resembles a webbed basket. This changes the original window fenestration to an exterior skin consisting mostly of transparent panels that would fill in the webbed basket with a square-grid pattern. This will allow for more daylight to filter through the building, providing a translucent appearance.

B. Beale Street Pedestrian Bridge

This addendum also evaluates the potential addition of a pedestrian bridge spanning from the east side of Beale Street to the upper levels of the Transit Center on the west side of Beale Street. The TTC pedestrian bridge over Beale Street would connect to land currently owned by Caltrans that would be developed as part of the Redevelopment Plan for the area, as described in Chapter 2 of the FEIS/EIR. The pedestrian bridge would allow for pedestrian crossover approximately 65 feet above the street, and would still allow for continuing traffic and pedestrian circulation along Beale Street. The pedestrian bridge crossing Beale Street would not impact previously proposed vertical circulation for the TTC (*See* FEIS/EIR pp. 2-14 and 2-21). The Final EIS/EIR did not evaluate the impact of crossing Beale Street with a pedestrian bridge; however, impacts associated with this crossing would be similar to or less than the impacts associated with the bridge structure for the TTC bus deck bridge crossing over Fremont and First Streets (*See* FEIS/EIR p. 5-112 [analyzing visual and aesthetic impacts of the Transbay Terminal]). The pedestrian bridge would be at most 30 feet wide, which is approximately one-quarter to one half the width of the TTC and bus deck bridges.

Construction of the basket structures and Beale Street pedestrian bridge would occur simultaneously with, and as a part of, construction of the Transit Center. The Beale Street bridge and basket structures would be designed to the same construction standards identified in the FEIS/EIR for the TTC.

V. PUBLIC RIGHT-OF-WAY VACATIONS

Public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way (ROW). The public ROW includes the areas above and below public streets and sidewalks. The TTC would occupy portions of the public ROW above ground, starting at approximately 18 feet, where the building, ramps, and bridges hang

over the street, and below ground where the proposed train box extends below the street. *See* Figure 1. In addition, bus ramps that connect I-80 to the Transit Center would occupy the public ROW approximately 40 feet above city streets. Because the TTC would occupy portions of the public ROW, the TJPA will apply to the City to vacate the public ROW in those areas. The proposed public ROW vacations would result in the vacated areas no longer being designated for public ROW or street uses. After vacation, the City would convey the property to the TJPA. The vacated areas would no longer be owned by the City and used as a public ROW, but instead would constitute property owned by the TJPA in fee title and occupied by the TTC. The surface level streets would remain City property for continued use as public ROWs. Traffic and pedestrian flows would only temporarily be impeded during construction, as previously evaluated in the FEIS/EIR. Pedestrian circulation will be enhanced after construction to allow for continuous passage on the street levels. In addition, during construction of the Transit Center, underground utility lines in the public ROW would need to be relocated.

The following above and below street-level vacations are necessary to allow for the TTC as now proposed:

- First Street between Minna and Natoma Streets
- Fremont Street between Minna and Natoma Streets
- Beale Street between Minna and Natoma Streets
- Minna Street between Second and First Streets
- Natoma Street between First and Second Streets
- Bus ramp overpasses at Natoma, Howard, Tehama, Clementina, Folsom and Harrison Streets

Appendix 1 shows the area of the proposed vacations, which are described in more detail below.

A. First Street Between Minna and Natoma Streets

The project's rail station box requires the full-width of the public ROW along First Street between Minna and Natoma Streets for approximately 186 horizontal feet beginning at a depth of approximately 4'-9" below grade and extending downward vertically. During construction, utilities would be relocated on an interim basis with utilities configured in their final location over the train box at a depth no greater than approximately 4'-5" vertically.

The air space required for project's bridge structure over First Street would be approximately 18' above grade and extend to approximately 87 vertical feet to the top level of the proposed TTC, which is the roof park. The bridge would become part of a continuous platform for the Bus Deck with an extension horizontally from west of First Street to the eastside of Beale Street. The above ground vacation area on First Street between Minna and Natoma Streets would measure approximately 180 horizontal feet.

B. Fremont Street Between Minna and Natoma Streets

The project's rail station box requires the full-width of the public ROW along Fremont Street between Minna and Natoma Streets for approximately 186 horizontal feet

beginning at a maximum depth of 4'-9" below grade and extending downward vertically. During construction, utilities would be relocated on an interim basis with utilities configured in their final location over the train box at a depth no greater than 4'-5."

The air space required for the TTC's bridge structure would be approximately 18' above grade and extend vertically skyward for approximately 87 feet to the top level of the proposed TTC, which is the roof park. The bridge over Fremont Street would become part of a continuous platform for the Bus Deck from west of First Street to the eastside of Beale Street. The above ground vacation area on Fremont Street between Minna and Natoma Streets would measure approximately 180 horizontal feet.

C. Beale Street Between Minna and Natoma Streets

The project's rail station box requires the full-width of the public ROW along Beale Street between Minna and Natoma Streets beginning at a maximum depth of 4'-9" vertically below grade and extending downward to the base of the train box. Vacation would include approximately 188 horizontal feet on the western side of Beale Street and approximately 220 horizontal feet on the eastern side of Beale Street. During construction, utilities would be relocated on an interim basis with utilities configured in their final location over the train box at a depth of approximately 4'-5."

The air space required for project's proposed Beale Street pedestrian bridge structure and baskets would begin approximately 18' above grade and extend vertically skyward up to approximately 87 feet to the top level of the proposed TTC. The above ground vacation area on Beale Street between Minna and Natoma Streets would measure at approximately 180 horizontal feet.

D. Minna Street between Second and First Streets

The project's train box would require vacation of the southern half of the public ROW from 1'-6" below grade and extending downward, beginning at the TTC property line and extending approximately 16 horizontal feet to the north along Minna Street between Second and First Streets. Utilities in the southern half of the ROW would be relocated to the northern half.

The air space required for the basket structure would be approximately 18' above grade, continuing skyward vertically up to approximately 87 feet to the top level of the proposed TTC. The basket structure would extend approximately 16 horizontal feet north of the property line over Minna Street.

E. Natoma Street between First and Fremont Streets

Beginning at the TTC property line and extending approximately 15 feet horizontally to the south along Natoma Street between First and Fremont Streets, the project's train box would require the north-half of the public ROW from 1'-6" below grade and extend downward vertically. Utilities in the north half of the ROW would be relocated to the southern half.

The air space required for the basket structure would be approximately 18 feet above grade, continuing skyward vertically for approximately 87 feet to the top level of the proposed TTC. The basket structure would extend approximately 16 horizontal feet south of the property line over Natoma Street.

F. Eastern Section of Natoma Street between First and Second Streets

From the property boundary at First Street and running westward horizontally along Natoma Street, the TTC would occupy approximately 171 horizontal feet of ROW below and above grade. Beginning at a distance of 1'-6," the below ground train box would require approximately 10' of the north-half of the public ROW as measured horizontally from the Transit Center's property boundary. Utilities in the northern half of the ROW would be relocated to the southern half of the ROW.

The air space required for the basket structure would be approximately 18' above grade, continuing skyward vertically up to approximately 87 feet to the top level of the proposed TTC. The basket structure would extend approximately 16 horizontal feet south of the property line over Natoma Street.

G. Western Section of Natoma Street between First and Second Streets

The project's train box would require the full-width of the public ROW along Natoma Street beginning 1'-6" below grade and extending vertically downward. The areas that would be affected would begin at approximately 59' east of the property boundary on the eastern side of intersection of Second and Natoma Streets and would continue horizontally to approximately 171' east of the western property boundary at the intersection of First and Natoma Streets. Utilities would be relocated outside of this approximately 596 horizontal-foot section of Natoma Street.

The air space required for the basket structure would be 18' above grade, continuing skyward up to approximately 87 feet to the top level of the proposed TTC, extending horizontally approximately 16' south of the property line.

H. Bus ramp overpasses at Natoma, Howard, Tehama, Clementina, Folsom, First and Harrison Streets

The bus ramps connecting I-80 to the TTC will cross: 1) Harrison Street between Essex and Second streets; 2) Folsom Street between Essex and Second Streets; 3) Clementina Street between Ecker and Second Streets; 4) Tehama Street between First and Second Streets; 4) Howard Street between First and Second Streets; 5) First Street between Clementina and Tehama Streets and 5) Natoma Street between First and Second Streets. The air space required to be vacated for the project's bus ramps would begin approximately 18' above grade and extend vertically to the sky. Horizontally, the bus ramps require vacation of the full-width of the public ROW at the crossings and extend lengthwise for approximately 95 feet. On First Street the vacation will extend lengthwise for approximately 30 feet.

VI. ENVIRONMENTAL ISSUES

As discussed previously, most of the TTC structures that require public ROW vacation were previously analyzed in the FEIS/EIR. This addendum focuses on the following Transit Center design changes that require public ROW vacation: (1) the addition of exterior façade wall basket structures and (2) the addition of a pedestrian bridge over Beale Street.

A. Land Use, Wind, and Shadow

Public ROW vacation would allow for the beneficial land use impacts described in the FEIS/EIR (pp. 5-2 and 5-3), including the intensification of land uses, the freeing of land for development, and enhanced pedestrian circulation. All streets identified in this addendum were previously evaluated for shadow impacts with the exception of the pedestrian bridge over Beale Street. The Beale Street bridge would cast a shadow smaller in extent and similar in duration to that described in the FEIS/EIR for Fremont and First Streets (FEIS/EIR pp. 5-19 to 5-21). Because the bridge would not be located near existing open space under the jurisdiction of the San Francisco Recreation and Park Commission, it would not cast shadows on City-owned open spaces (*See* FEIS/EIR and Addendum No. 1). Modifications to terminal design would comply with City Planning Code Section 148 for the reduction of ground-level wind currents as specified on page 5-18 of the FEIS/EIR. The design of the basket structure would conform to required building and planning standards. The Redevelopment Plan described and evaluated in the FEIS/EIR included future development of the block immediately to the east of the terminal along Beale Street. The extension of a pedestrian bridge over Beale Street would not limit or constrain the uses in the area and would be compatible with future development as evaluated by the Redevelopment Plan for the area. Pedestrian circulation will be maintained along the street.

The City's General Plan Urban Design Element Policy 2.8 creates a presumption against vacating street areas. Policy 2.9 lists criteria under which a vacation may occur. Under Policy 2.9(B), vacations for the baskets and pedestrian bridge may be considered favorably. The basket structures enhance the visual appeal of the TTC and will enhance the character of the TTC as a visual focal point for the Transbay Redevelopment Project area. The baskets also further the public values of streets; they do not interfere with adequate light and air to pedestrians below the baskets, and provide views to the outside for people within the TTC. The bridge over Beale Street is a small-scale pedestrian crossing. It will span from one side of Beale street to the other, and be at most 30 feet wide, and likely less. The bridge is necessary for public access to and from the Transit Center. It will connect to a proposed building on the east side of Beale, which would provide for egress from the underground train box levels of the TTC. Pedestrian access to the retail and park levels of the TTC would be facilitated by providing a means to cross Beale Street. Additional access to the rooftop park will encourage use of the park.

Vacation for the baskets and pedestrian bridge are also consistent with the criteria listed in Urban Design Element Policy 2.9(A). Because the design modifications will only occupy air space, they will not eliminate street space, disrupt vehicular or pedestrian circulation, or interfere with the rights of access to private property. Further, because the

pedestrian bridge will improve access to the 5.4 acre park atop the TTC, it will enhance public recreation activities and open space. The impacts on the scale and character of the surrounding development will be similar to the visual and aesthetic impacts discussed for the TTC in the FEIS/EIR, pages 5-112-121. The basket structures will begin approximately 18 feet above the streets and the pedestrian bridge will be located approximately 65 feet above the street. This is sufficient clearance to allow emergency vehicles to access the streets. Overhead trolley lines currently exist on Beale Street. The TJPA is working with the MTA to permanently relocate those utilities and will reimburse the MTA for relocation costs. The basket structures and pedestrian bridge do not add to the height of the building. Although the basket structures increase the width of the Transit Center, they add visual interest and appeal to the building design.

There is not a significant view along Beale Street that would be obstructed or diminished by the pedestrian bridge. Currently, the view looking southwest along Beale Street from the corner of Mission and Beale Streets is impeded by the existing Transbay Terminal bus ramps. Beyond the bus ramps is the Harrison Street and I-80 freeway crossings over Beale. Existing buildings obstruct the view from Beale Street to Rincon Hill. The view northwest from Howard and Beale Streets similarly is impeded by the existing bus ramps. Beyond the bus ramp is a view of highrise buildings. Similarly, the views looking up and down Minna and Natoma Streets consist of industrial and highrise buildings. There is no existing view to the San Francisco Bay along these streets.

The TTC pedestrian bridge over Beale Street would connect the TTC to property currently owned by Caltrans that would be developed as part of the Redevelopment Plan for the area, as described in Chapter 2 of the FEIS/EIR. The property along the east side of Beale would be transferred from Caltrans to the TJPA according to a Cooperative Agreement.[1] The property is zoned for public use. Future use of the property is planned to be for a building to accommodate egress stairs from the below-ground train box levels of the TTC and mechanical equipment to support the TTC. (*See* FEIS/EIR Addendum No. 1 p. 10 and Recommended Program Implementation Strategy, Transbay Joint Powers Authority, Feb. 10, 2006 (showing building on east of Beale)).

Under Urban Design Element Policy 2.10, release of street areas is permitted in the least extensive and least permanent manner appropriate. Here, only air rights are sought to be vacated for the proposed basket structures and pedestrian bridge, and surface streets would remain public ROW. Although the TJPA seeks to have the vacated properties conveyed in fee simple, this is appropriate given the long-term and public use of the property for the TTC.

The basket structures and pedestrian bridge are consistent with other General Plan Urban Design Policies. Existing street patterns will not be disrupted. The basket structures would add a design element that makes the TTC a more prominent center of activity. They will assist in distinctively identifying the TTC, making it easily understood and

[1] State of California Department of Transportation District Agreement No. 4-1984-C (effective date July 11, 2003), City and County of San Francisco Resolution No. 441-03 (approved July 11, 2003), and Transbay Joint Powers Authority Board of Directors Resolution No. 03-004 (approved May 30, 2003).

remembered as a transit stop. The basket structures would not interfere with views downward to the proposed park from higher surrounding view points. See Section M, below, for additional discussion of the visual and aesthetic impacts of the basket structure. The pedestrian bridge would create a continuous design connection between the rooftop park and the adjacent property, providing additional access the park from the outside in addition to access from inside the TTC. The bridge will also provide an additional point from which to view the rooftop park and downtown.

The pedestrian bridge may have some adverse impacts, however these would not be significant. As discussed above, the pedestrian bridge's shadow impacts on the street will not be significant. The bridge will slightly clutter the air space surrounding the TTC and rooftop park. The existing conditions along this stretch of Beale Street, however, includes several overhead crossings. The existing bus ramps for the Transbay Terminal currently cross Beale Street in two locations, north and south of Howard Street. South of that, Harrison Street crosses over Beale. I-80 crosses over Beale Street south of Harrison Street. The existing bus ramps will be demolished during construction of the TTC. The proposed pedestrian bridge will allow for a lighter, more visually pleasing design than the existing bus ramps. In addition, the pedestrian bridge would be located approximately 65 feet above the street. Thus, pedestrians would still have relatively expansive views through the street beneath the bridge.

B. Displacements and Relocations

The proposed public ROW vacations necessary for the basket structure and bridge over Beale Street would not divide an established community or conflict with applicable land uses plans, policies, or regulations, but would allow a portion of the building to overhang (but not obstruct) the sidewalk on Minna, Natoma, and Beale Streets. The City currently owns all property to be conveyed to the TJPA following the public ROW vacations. As noted above, property along the east side of Beale would be transferred from Caltrans to the TJPA according to a Cooperative Agreement.[2] The new design of the basket structure would continue along the entire side of the TTC connecting several blocks together in a cohesive fashion. The pedestrian bridge would also provide pedestrian circulation vertically and horizontally connecting the blocks and improving land use compatibility.

C. Socio-economics

The beneficial socio-economic impacts resulting from the increased activity and economic vitality generated by the project would remain as described in the FEIS/EIR (p. 5-35).

D. Community Facilities and Services/Safety and Security

The public ROW vacation process during TTC construction would comply with FEIS/EIR mitigation, which includes, but is not limited, to a combination of construction contract specifications, drawings, and provisions, as well as public affairs and a public construction coordination programs (FEIS/EIR pp. 5-198 to 200). The vacation has been

[2] State of California Department of Transportation District Agreement No. 4-1984-C effective date July 11, 2003, City and County of San Francisco Resolution No. 441-03 approved July 11, 2003, and Transbay Joint Powers Authority Board of Directors Resolution No. 03-004 signed May 30, 2003.

designed to reduce impacts to area businesses and property owners, and so that project mitigation would best meet community needs. Construction within the vacated areas would comply with the Safety and Security guidelines in the FEIS/EIR (pp. 5-122 and 5-225). The additional construction activities, which represent a small portion of the entire TTC construction effort, would not require additional staff or public service capacity to respond to emergencies in the area.

E. Parklands/Schools/Religious Institutions

Public ROW vacations would not alter the finding in the FEIS/EIR (pp. 5-44, 5-45, and 5-204) that the project would not produce adverse impacts to parks, schools, and religious institutions, since none of these uses are located in the immediate vicinity of the vacations identified. The project includes additional park space that can be accessed by the public.

F. Air Quality

Construction of the Beale Street pedestrian bridge and the basket structures would result in no change to potential air quality impacts previously evaluated in the FEIS/EIR. As stated on page 5-205 of the FEIS/EIR, there are no quantitative emissions thresholds for construction activities, which are by their nature temporary and occur over a large area, potentially affecting different receptors at different times. The project would comply with the Bay Area Air Quality Management District's (BAAQMD) approach to the analysis of construction impacts through the implementation of control measures. The public ROW vacations and construction of the Beale Street bridge would comply with measures listed on pages 5-205 and 5-206 of the Final EIS/EIR, which includes but is not limited to watering all active construction areas at least twice daily; covering all trucks hauling soil, sand, and other loose materials or requiring all trucks to maintain at least two feet of freeboard; and sweeping daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

G. Noise and Vibration

Construction of the baskets and Beale Street bridge would not result in new significant or substantially increased operational impacts to noise or vibration levels. Construction would be conducted in compliance with previously adopted FEIS/EIR Mitigation Measures NoiC 1 to NoiC 6, which would reduce impacts to less than significant.

H. Geology and Seismology

The TTC has been designed with pile supported foundations sufficient to support all functions (FEIS/EIR pp. 5-79 to 5-80, 5-225). The new basket-like curtain wall structure would be designed to connect into the existing superstructure intended to support the TTC. The design elements would be evaluated along with the entire structure to conform to required code standards for seismicity. Structural components of the project would be designed and constructed to resist strong ground motions approximating the maximum anticipated earthquake (0.5g) (FEIS/EIR p. 5-80). As identified in the FEIS/EIR, supports would serve to minimize settlement and lateral displacement resulting from seismic shaking (FEIS/EIR p. 5-80). The Beale Street bridge would be designed to the same construction standards identified in the FEIS/EIR for the TTC. Therefore no additional

significant impacts are anticipated due to geology or soils than those previously evaluated.

I. Water Resources and Floodplains

No long-term adverse impacts on water resources and floodplains were identified in the FEIS/EIR. The limited area affected by construction activities for the Beale Street bridge would not change the risk of impact to water resources or floodplains from that described in the FEIS/EIR (p. 5-80).

J. Utilities and Energy

As discussed in the FEIS/EIR, the Transbay Terminal/Caltrain Downtown Extension/ Redevelopment Project would result in an increase in demand for and use of water and energy, but not in excess of amounts expected and provided for in the area (FEIS/EIR p. 5-81). The Beale Street bridge and basket construction activities would require minor amounts of water and energy, as compared to the project, and operation would not require additional sources beyond those previously evaluated in the project's environmental documents. As identified on page 2-11 of the FEIS/EIR, design of the terminal would incorporate sustainable features that would allow the building to use site-specific wind, daylight and shading to reduce the building's energy needs. The basket structures would allow for the passage of more light through the TTC. The use of more translucent materials would provide transparency during the day and at night. The additional light that would filter into the space during the day would reduce energy needs.

K. Historic and Cultural Resources

The public ROW vacation above ground would occur in air space above street level and would not impact historical resources in the area. The new design of the elevation consisting of a basket-like structure will provide a modern style of architecture that is not currently represented in the area. However, the TTC design modifications do not significantly change the impacts already analyzed in the FEIS/EIR as the features described in this addendum would remain visually cohesive with the area, and analysis of impacts to historic districts and resources, as evaluated on pages 5-112, 5-116, and 5-117, would be consistent with current design proposals. The transparency of the design would allow for views through the space reducing the visual obstruction of existing historic architecture in the vicinity, a beneficial effect. Historic properties are not located on the east side of Beale Street where the pedestrian bridge would extend over Beale Street. Although, below ground construction associated with public ROW vacation and construction of the Beale Street bridge may not result in new or more severe impacts to cultural resources, it has the potential to impact unknown cultural resources. TTC construction activities would comply with previously adopted mitigation as indicated in the Memorandum of Agreement between the local and federal lead agencies and the State Historic Preservation Officer (FEIS/EIR Appendix G), and potential impacts would be less than significant (FEIS/EIR pp. 5-86 to 5-90, 5-216, and Appendix G).

L. Hazardous Materials

If hazardous materials are encountered during utility relocation for public ROW vacation, they would be handled as indicated in the FEIS/EIR (pp. 5-222 to 5-224).

M. Visual and Aesthetic

Design of the TTC elevation now proposes an organic basket-like structure with an undulating appearance that alternates between concave and convex curves, suspended over the side walk. This specific design feature would provide more visual interest along the street and would not result in a more severe impact to the existing visual character of the site than previously evaluated in the FEIS/EIR.

The new curved design of the basket structure would be constructed of materials allowing for better transparency when compared to the design originally analyzed in the FEIS/EIR. This will allow for the passage of daylight into the space on the concourse and bus levels during the daytime and the illumination of inside light onto the street during the nighttime when the TTC is operating. The new design would enhance views into the TTC space from the street so that functions and activities would be identifiable and easier to locate. The transparency of the structure would also allow for more continuous views outward for users of the TTC. The basket structure would be suspended over the sidewalk creating an overhead covering, providing a translucent quality that would allow for light to filter down to the street level.

View corridors along the street would be interrupted at First and Fremont Streets where bridge portions would cross over the streets. This would alter the public view at the ground level to some extent; however, the structure would frame views down the street and views to the north and south are still possible. The view obstruction looking upward from the street would not be substantial, and this impact would not be considered significant. Additionally, the new transparent design would allow for some views through the structure. The new design would enhance the pedestrian visual experience at the roof park and bridge levels over the street. Views at this height would be provided in multiple directions that are not currently achievable from the street level.

The design modification impacts from above ground light and glare would be within the envelope of those previously evaluated by the FEIS/EIR as the materials and equipment to be used are anticipated to be similar to those previously analyzed. Construction-related light and glare would be consistent with FEIS/EIR findings that construction would generate additional night lighting but not in amount unusual for a transportation hub in a developed urban area (FEIS/EIR p. 5-120). Short-term visual changes as a result of temporary construction activities are common and accepted elements in the redevelopment area; therefore mitigation is not required (FEIS/EIR p. 5-224). However, as addressed in the FEIS/EIR, TJPA would require project contractors to ensure that at night artificial lightings would be directed to minimize "spill over" light or glare effects.

Once the project is complete, the new TTC design modifications would allow for the passage of more light through the TTC. The use of translucent materials would provide transparency during the day and at night. During the nighttime, the lighting on the

interior would provide some illumination that would also filter onto the street. This would provide a level of light similar to street lamps. Lighting would be designed to limit glare and reflectance upon surfaces to reduce any potential negative effect to users in the vicinity.

See Section A, above, for additional discussion of visual and aesthetic impacts of the pedestrian bridge over Beale Street.

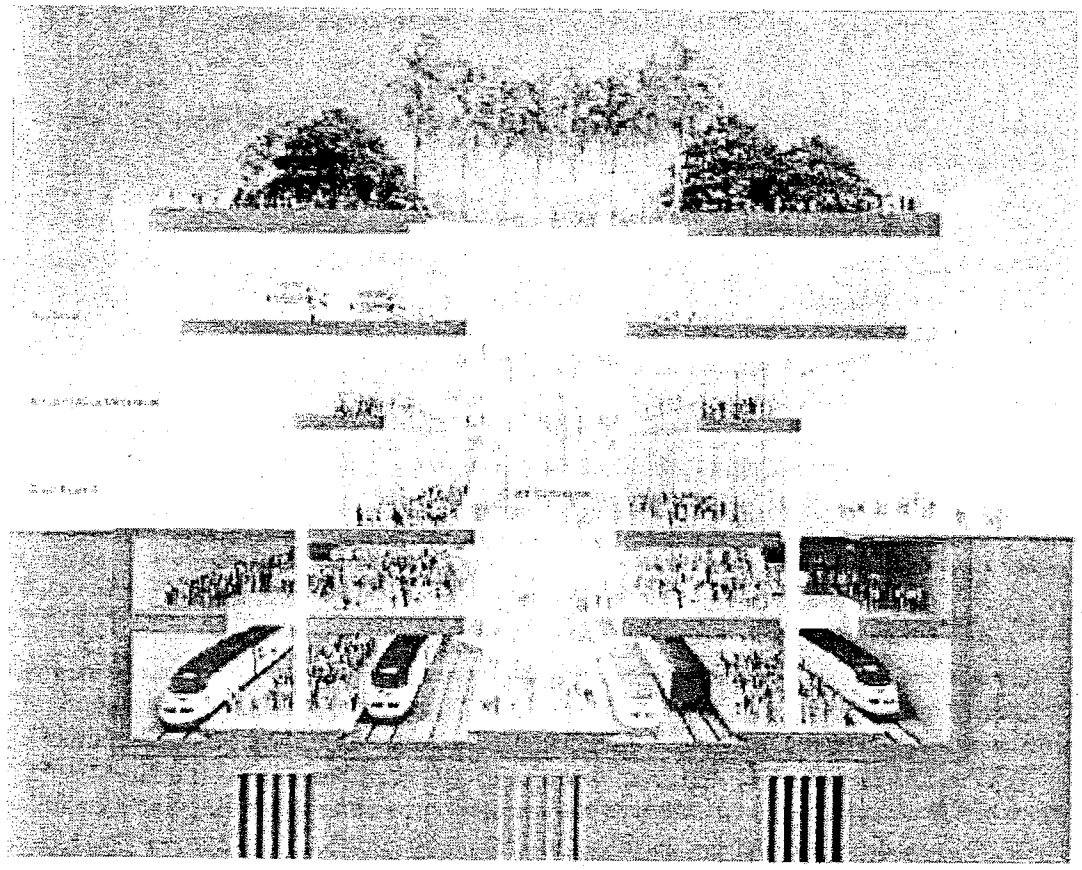
N. Transportation

Construction activities would not impact area traffic with the exception of altering lane configuration during utility relocating or construction of the bridge over Beale Street. The FEIS/EIR previously identified Natoma Street between First and Second Streets; Minna Street between First and Second Streets; and First, Fremont, and Beale Streets between Howard and Mission Streets for street closures during construction (FEIS/EIR pp. 5-160 to 5-161). The construction in vacated areas would comply with FEIS/EIR mitigation which includes, but is not limited to a combination of construction contract specification, drawings, and provisions, as well as public affairs programs. Public ROW vacation would not result in new or additional impacts to transportation as previously identified by the FEIS/EIR.

VII. ENVIRONMENTAL FINDINGS

Based on the above information and analysis, the proposed public ROW vacations for the Transit Center and its design modifications will not trigger the need for subsequent environmental review pursuant to Public Resources Code section 21166 and sections 15162 and 15163 of the CEQA guidelines. The proposed public ROW vacations described in this addendum would not require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Furthermore, there have been no substantial changes with respect to the circumstances under which the public ROW vacations would be undertaken that would require major revisions of the FEIS/EIR due to new or substantially increased significant environmental effects; and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the FEIS/EIR due to new or substantially increased significant environmental effects. Therefore, no subsequent or supplemental environmental impact report is required prior to approval of the public ROW vacations for the Transit Center and its design modifications as described in this addendum.

Figure 1



TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS

Resolution No. 09-019

WHEREAS, In April 2004, the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency certified the Transbay Termianl/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report ("Final EIS/EIR") (SCH # 95063004) for the Transbay Transit Center Program ("Program"); and

WHEREAS, The Final EIS/EIR analyzed the Program's Locally Preferred Alternative. The Locally Preferred Alternative included, among other things, the new Transit Center and associated structures, such as bus ramps connecting I-80 to the Transit Center, the train box, the Transit Center bus deck bridges, and utility relocations (collectively, the "Transit Center"); and

WHEREAS, The TJPA proposes certain modifications to the design for the Transit Center that would include outer wall basket structures and the possibility of a pedestrian bridge over Beale Street (the "Design Modifications"); and

WHEREAS, The Design Modifications would encroach on the public right-of-way and would require the City and County of San Francisco to vacate portions of the public right of way; and

WHEREAS, The TJPA has prepared a Fifth Addendum to the Final EIS/EIR, which contains an analysis of the environmental impacts that may result from the Design Modifications that require public right of way vacations; and

WHEREAS, The Board has reviewed the information in the Fifth Addendum to the Final EIS/EIR, a copy of which is attached hereto as Exhibit A, which concludes that no further environmental review is required for the public right-of-way vacations for the Transit Center and its design modifications; now, therefore, be it

RESOLVED, That the TJPA Board: (1) determines that the Fifth Addendum to the Final EIS/EIR for public right-of-way vacations for the Transit Center and its design modifications, Exhibit A hereto, reflects the independent judgment of the TJPA; (2) adopts the Fifth Addendum to the FEIS/EIR; and (3) authorizes the Executive Director to submit a public right-of-way vacation application to the City and County of San Francisco to vacate those areas required for the Transit Center.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of April 9, 2009.

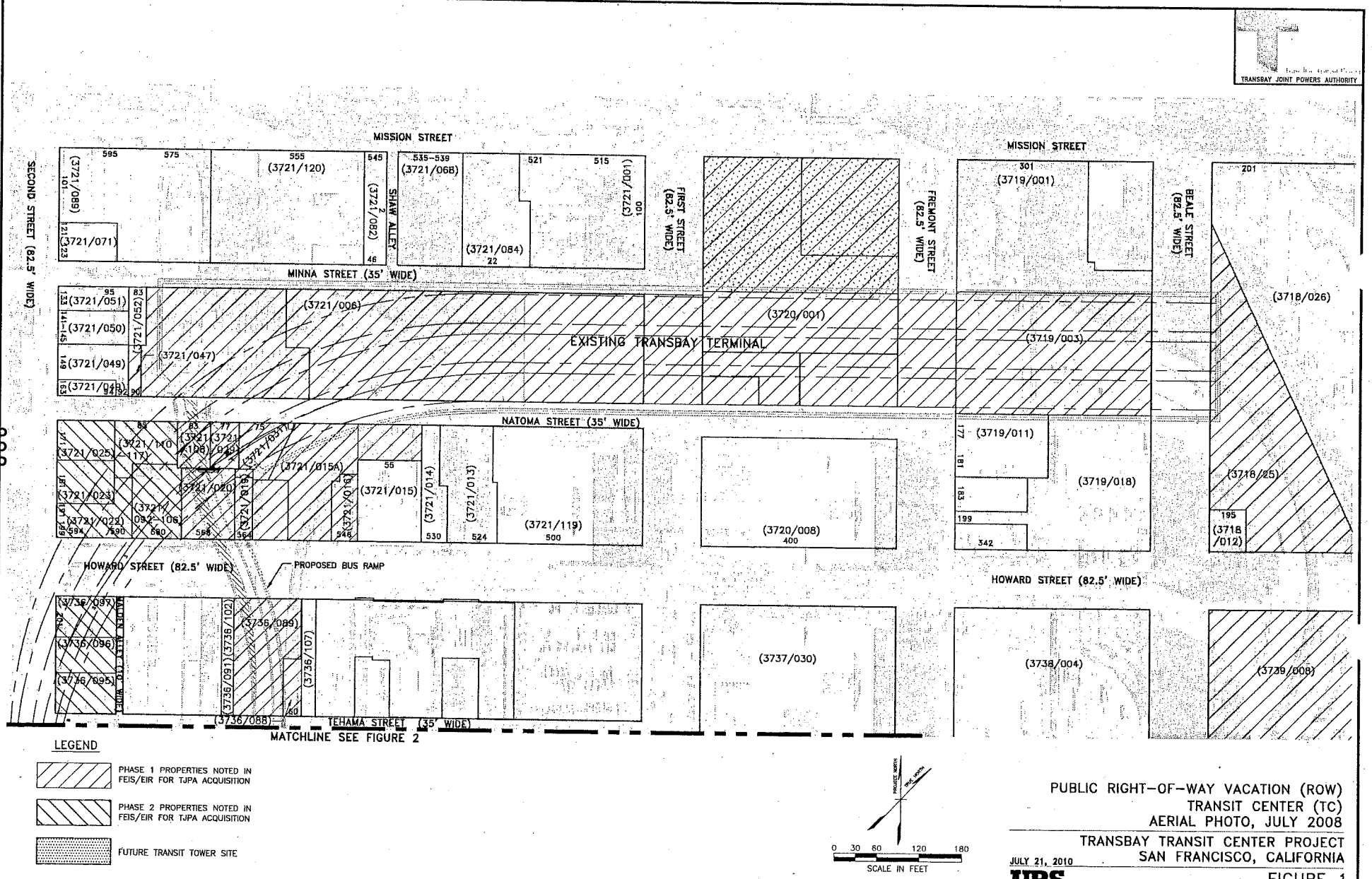
Secretary, Transbay Joint Powers Authority

3736	107	557 Howard St.	Guggenheim, Robert S & Jayne E	A-1 property Management	P.O. Box 822	Pacifica, CA, 94044
3736	123	235 2nd St.	235 Property CO LLC		1475 Folsom St. Suite 400	San Francisco, CA, 94103
3736	78A	25 Tehama St.	Fritzi, Realty-Owner		3492 California St. 209	San Francisco, CA, 94120
3737	30	405 Howard St.	Foundry Associates NF LP	Richard A Wilpon & Tarak Patolia	111 Great Neck Rd	Great Neck, NY, 11021
3749	62	303 2nd St.	Mept 303 Second Street LLC	PTA-K #250	P.O. Box 320099	Alexandria, VA, 22320
3764	14	425 2nd St.	U S Enterprise Corp.		30560 San Antonio St.	Hayward, CA, 94544
3764	211	575 Harrison St. # 203	HST LLC		18 Lansing St. # 203	San Francisco, CA, 94105
Phase 1 - Properties Acquired or to be Acquired by TJPA from Private Parties						
3721	16	546 Howard St.	TJPA			
3721	19	562-564 Howard St.	Gruen & Gruen	Claude & Nina Gruen	564 Howard Street	San Francisco, CA 94105
3721	20	568-576 Howard St	Invesmaster Corp	Virgil Chen	568 Howard St.	San Francisco, CA 94105
3721	29	77-79 Natoma St	TJPA			
3721	31	75 Natoma St	TJPA			
3721	46	78-80 Natoma St.	TJPA (aka 80 Natoma)			
3721	47	90 Natoma St.	Patrick & Co	Jim & Jamie Patrick	611 Mission Street	San Francisco, CA 94105
3721	53	81 Minna St.	TJPA (aka 80 Natoma)			
3721	54	65 Minna St.	TJPA (aka 80 Natoma)			
3721	108	81-83 Natoma St	TJPA			
3721	45A	70 Natoma St	TJPA (aka 80 Natoma)			
3736	74	57 Tehama St	TJPA			
3736	88	60 Tehama St	Peter & Tom Byrne	Peter & Tom Byrne	255 W. Napa St #L	Sonoma, CA 95476
Phase 1 - Properties Conveyed or to be Conveyed to TJPA/City by Caltrans						
3718	25	Beale St (N,N')	State Of California			
3719	3	Howard St (D)	State Of California			
3720	1	425 Mission (T)	State Of California			
3721	6	First St (E)	State Of California			
3721	15A	Howard St (F)	State Of California			
3736	7	Clementina St (H')	State Of California			
3736	18	Folsom St (I,I")	State Of California			
3736	89	Howard St (G)	State Of California			
3737	5,12,27	Folsom St (C")	State Of California			
3749	52	Harrison St (A',A")	State Of California			
3749	61	Harrison St (R)	State Of California			
3749	64	Folsom St (B)	State Of California			

Transbay Transit Center Program *29-Jun-09*

STREET VACATION REQUEST
Fronting Properties and Property Owners

Block	Lot	Location	Owner	Care of	Address	City, State, Zip
Transit Center						
3718	26	201 Mission St.	Equilty Office Properties Mission Street Development	John Minahen	200 East Randolph Dr.	Chicago, IL, 60601
3719	1	301 Mission	Partners, LLC		601 Montgomery St., #310	San Francisco, CA 94111
3719	11	177 Fremont St	181 Fremont, LLC.		50 California St., #1900	San Francisco, CA 94111
3719	18	199 Fremont St	GLL Fremont Street Partners		2300 Clayton Rd., Suite 100	Concord, CA 94111
3720	8	400 Howard St.	Foundry Square Associates I LLC	Property Tax Group	P.O. Box A-3879	Chicago, IL, 60690
3721	1	100 1st St	100 First Plaza Property, LLC	c/o Jeremy Fletcher, Beacon Capital Partners	200 State St., 5th Floor	Boston, MA 02109
3721	13	524 Howard St.	Vista Reverse 4 LLC		71 South Wacker, Suite 4700	Chicago, IL, 60606
3721	14	530 - 532 Howard	One Timberlake Inc.	c/o DBM Investment Inc.	735 Montgomery St., #450	San Francisco, CA 94111
3721	15	55 Natoma St	Wendy Hemming	Wendy Hemming	235 Berry St., #608	San Francisco, CA 94158
3721	25	171 2nd St.	Toy Real Estate Investment		50 California St., #1900	San Francisco, CA 94111
3721	48	163 2nd St.	Victor Sotomayor Trust		3181-B Lucas Dr.	Lafayette, CA, 94549
3721	49	149 2nd St	149 Second Street, LLC		92 Natoma St., #300	San Francisco, CA 94105
3721	51	133 2nd St.	Epstein Living Trust	Selma Epstein	P.O. Box 519	Oakhurst, CA 93644
3721	52	83 Minna St	Patrick & Co.	c/o James M. Patrick	560 Market St, 2nd Floor	San Francisco, CA 94104
3721	68	535 - 539 Mission St	535 Mission Street Property, LLC	Jeremy Fletcher, Sr. Managing Director	200 State St., 5th Floor	Boston, MA 02109
3721	71	121-129 2nd St.	Fjeld Family LP	Timothy Gibbons	515 Folsom St., 2nd Flr	San Francisco, CA 94105
3721	82	545 Mission St	Mission & Shaw, LLC	Richard Bowling, Jr.	2376 Ironwood Place	Alamo, CA 94507
3721	84	22 - 26 Minna St	100 First Plaza Property, LLC	c/o Beacon Capital Partners	200 State St.	Boston, MA 02109
3721	89	101 2nd St.	Hines 101 Second St., LP		50 California St., #1900	San Francisco, CA 94111
3721	92-105	580 Howard St. 404	Howard Historic Prop.LLC		67 Mint St. 5th Floor	San Francisco, CA 94116
3721	106	580 Howard St #500	Timothy Mott Trust	Timothy Mott	P.O. BOX 210545	San Francisco, CA 94121
3721	109	85 Natoma St #1	Patrick M. McNerney		54 Mint Street, 5th Floor	San Francisco, CA 94103
3721	110	85 Natoma St #2	Steel Arc Properties, LLC		54 Mint Street, 5th Floor	San Francisco, CA 94103
3721	111	85 Natoma St #3	Abbas A. Razaghi and Nader Heydayian and Hamideh Nouri, trustees of the 2005 Heydayian/Nouri Family Trust		85 Natoma Street, #3	San Francisco, CA 94105
3721	112	85 Natoma St #4	Alyce M. Stanwood	Alyce M. Stanwood	54 Mint Street, 5th Floor	San Francisco, CA 94103
3721	113	85 Natoma St #5	Terri L. Brown	Terri L. Brown	P.O. Box 1181	San Francisco, CA 95445
3721	114	85 Natoma St #6	Andrew S. Teufel	Andrew S. Teufel	85 Natoma Street, #6	San Francisco, CA 94105
3721	115	85 Natoma St #7	Fereshteh Noory and Nader Heydayian and Hamideh Nouri, trustees of the 2005 Heydayian/Nouri Family Trust		300 Barbara Way	Hillsborough, CA 94010
3721	116	85 Natoma St #8	Scott E. Pelichoff and Lynn M. Pelichoff	Scott E and Lynn Marie Peichoff	54 Mint Street, #B, 5th Fl.	San Francisco, CA 94103
3721	117	85 Natoma St #9	Wendy-Roess DeCenzo and Christopher J. DeCenzo	Wendy-Roess DeCenzo and Christopher J. DeCenzo	164 Townsend Street, #11	San Francisco, CA 94107
3721	118	85 Natoma St #C1	Martin Properties, LLC		54 Mint Street, 5th Floor	San Francisco, CA 94103
3721	119	500 Howard St.	Foundry Square Associates IV LLC		199 First St, Suite 200	San Francisco, CA, 94105
3721	120	555 Mission St.	TST Mission Steet, LLC	c/o Tishman Speyer	One Bush St., Suite 450	San Francisco, CA
Bus Ramps						
3721	92-105	580 Howard St.	Howard Historic Prop.LLC		54 Mint St. 5th Floor	San Francisco, CA 94103
3721	106	580 Howard St.	Mott Timothy Trust	Roobian & Company	P.O Box 210545	San Francisco, CA, 94121
3736	6	234-246 1st St.	VDR Investment Limited	Caselli V P	P.O Box 1116	Belvedere, CA, 94920
3736	23	566 Folsom St.	Virginia O Grillo LVG Trust	Lloyd Cronna Trustee	523 San Anselmo Ave. # 126	San Anselmo, CA, 94960
3736	75	51 Tehama St.	Fritzi, Realty-Owner		3490 California St. 209	San Francisco, CA, 94118
3736	76	~~~~~~~~~~~~~~	Fritzi, Realty-Owner		3490 California St. 209	San Francisco, CA, 94118
3736	77	41 Tehama St.	Fritzi, Realty-Owner		3491 California St. 209	San Francisco, CA, 94119
3736	79	19 Tehama St.	Duffy Edward & Margaret M		414 Pinehill Rd.	Hillsborough, CA, 94010
3736	91	72 Tehama St.	Duval William		72 Tehama St.	San Francisco, CA, 94105
3736	102	571 Howard St.	Haruo H & Kayo Y. Kurata Jnt Lvg. T	Harud & Kay Y Kkurata. Trustess	713 Saint Lawrence Ct.	Pacifica, CA, 94044



PUBLIC RIGHT-OF-WAY VACATION (ROW)
TRANSIT CENTER (TC)
AERIAL PHOTO, JULY 2008

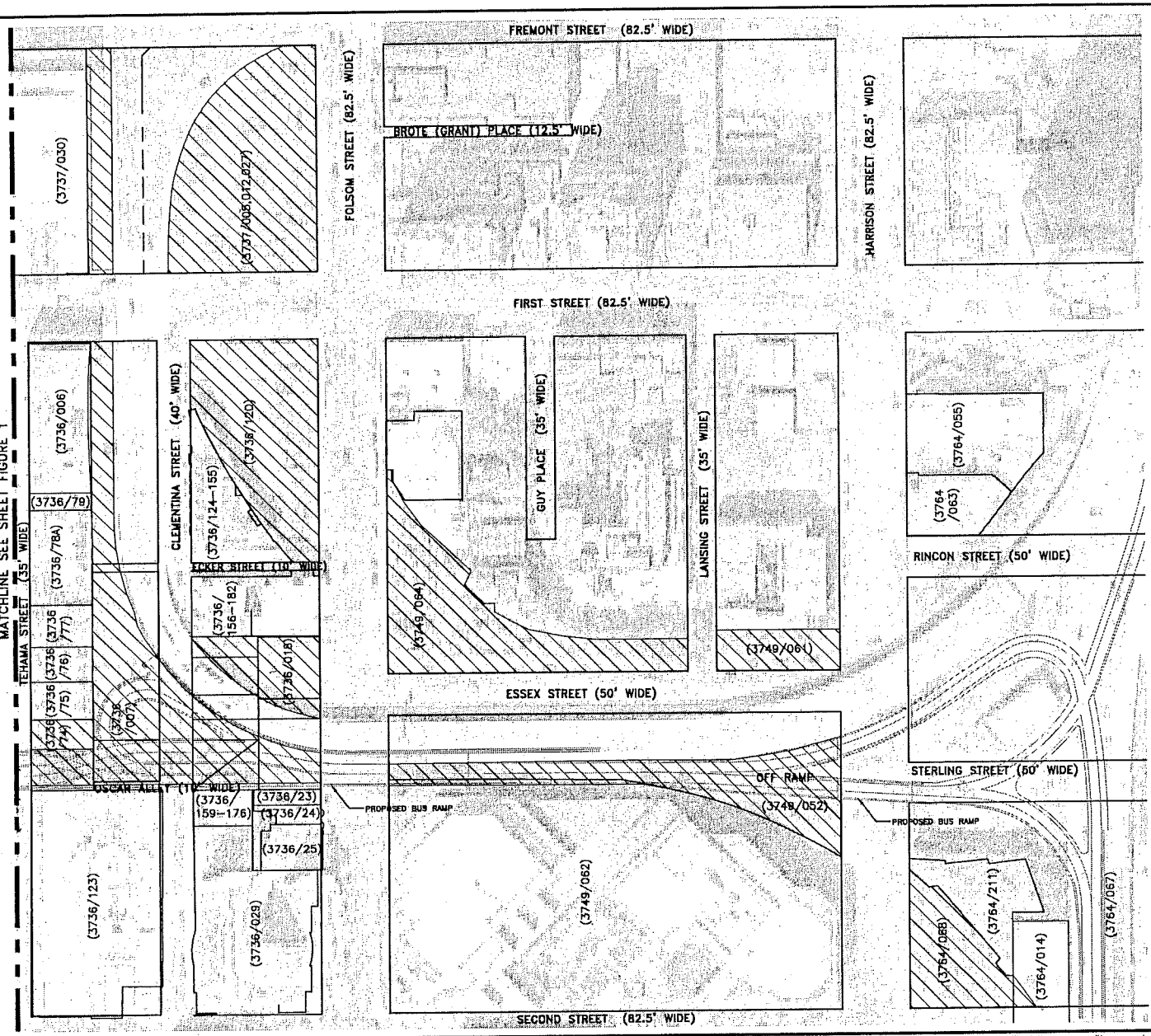
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 1

802



803

TRANSBAY JOINT POWERS AUTHORITY

LEGEND

PHASE 1 PROPERTIES NOTED IN FEIS/EIR FOR TJPA ACQUISITION

0 30 60 120 180

SCALE IN FEET

ROW VACATION – BUS RAMP
AERIAL PHOTO, JULY 2008

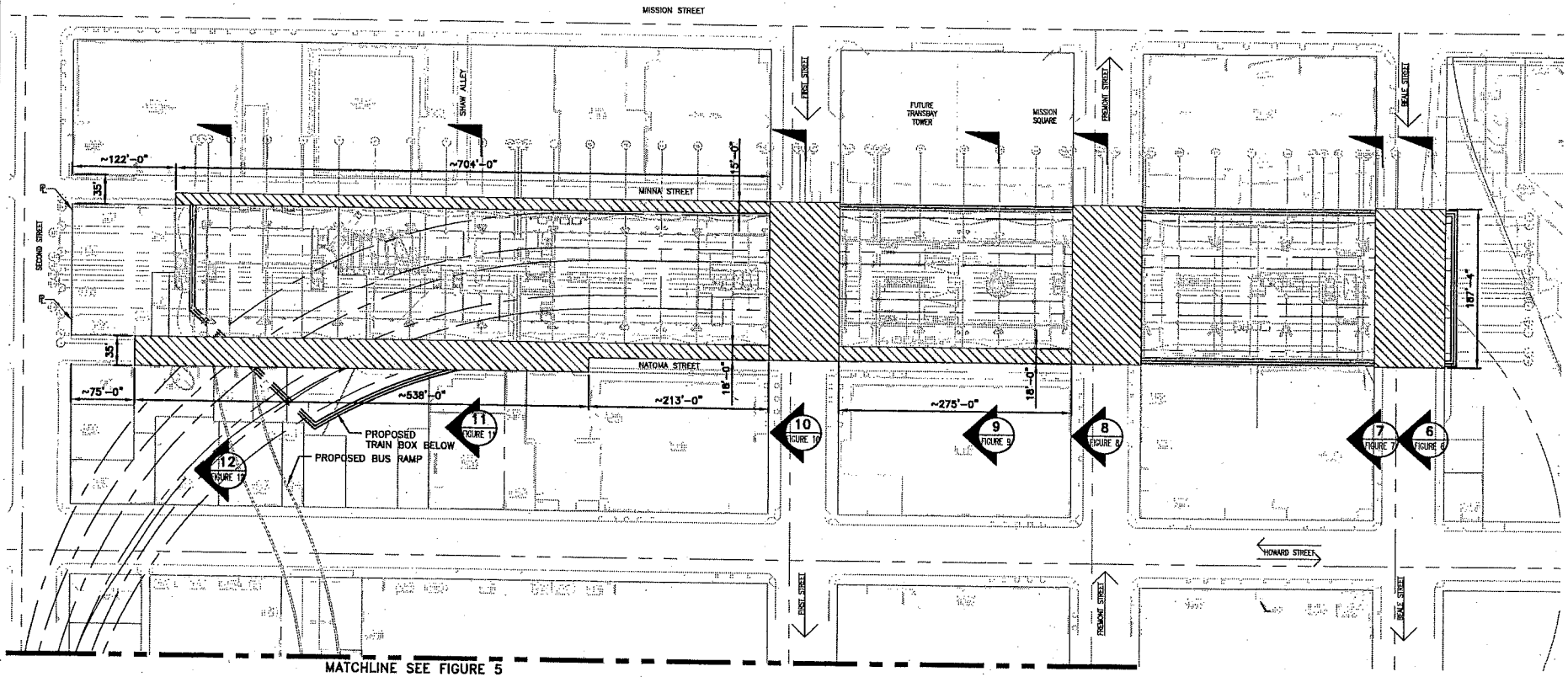
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 2

TRANSBAY JOINT POWERS AUTHORITY

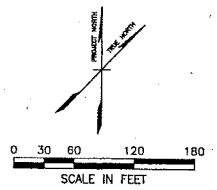


NOTE:

1. DIMENSIONS ARE APPROXIMATE.

LEGEND

BELOW STREET REQUESTED VACATION



BELOW GROUND ROW VACATION
TRANSIT CENTER

TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

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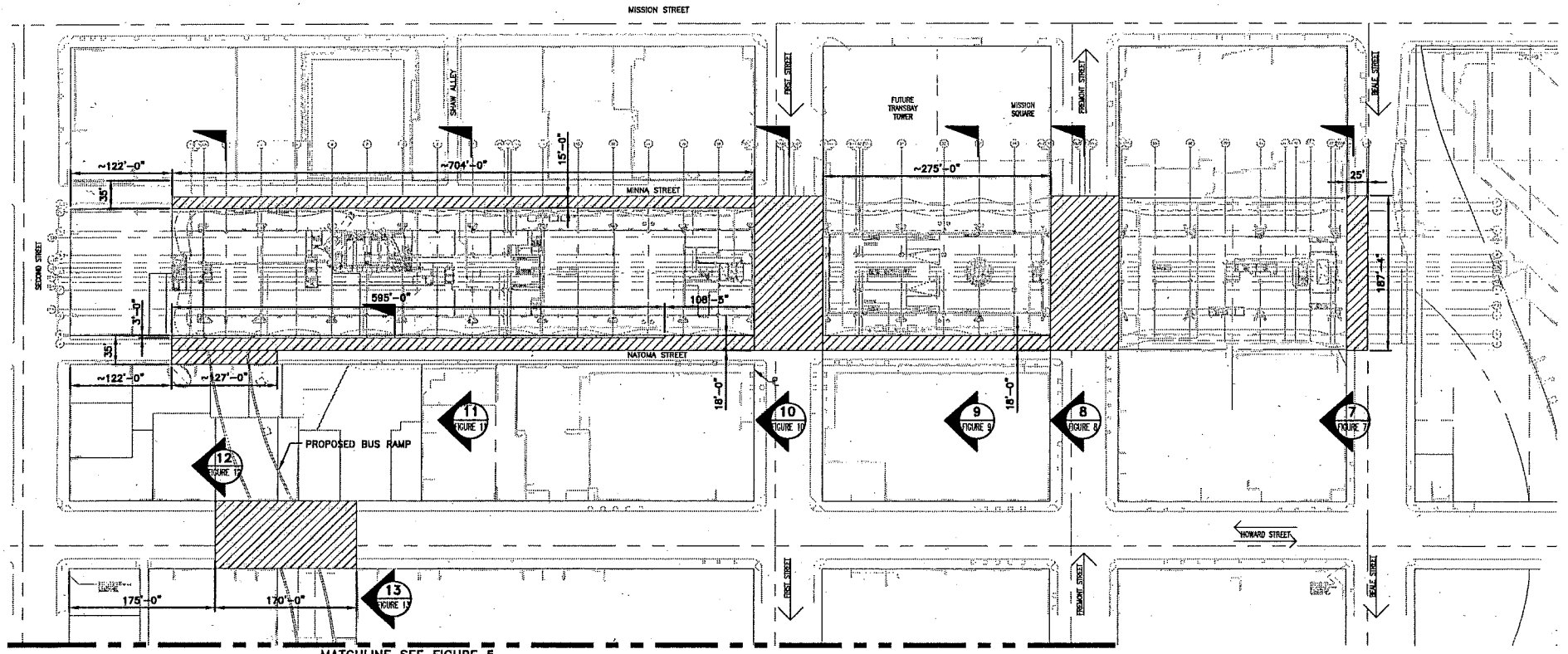
FIGURE 3

TRANSBAY JOINT POWERS AUTHORITY



NOTE:

1. DIMENSIONS ARE APPROXIMATE.

LEGEND

ABOVE STREET REQUESTED VACATION

PROJECT NORTH
TRUE NORTH

0 30 60 120 180
SCALE IN FEET

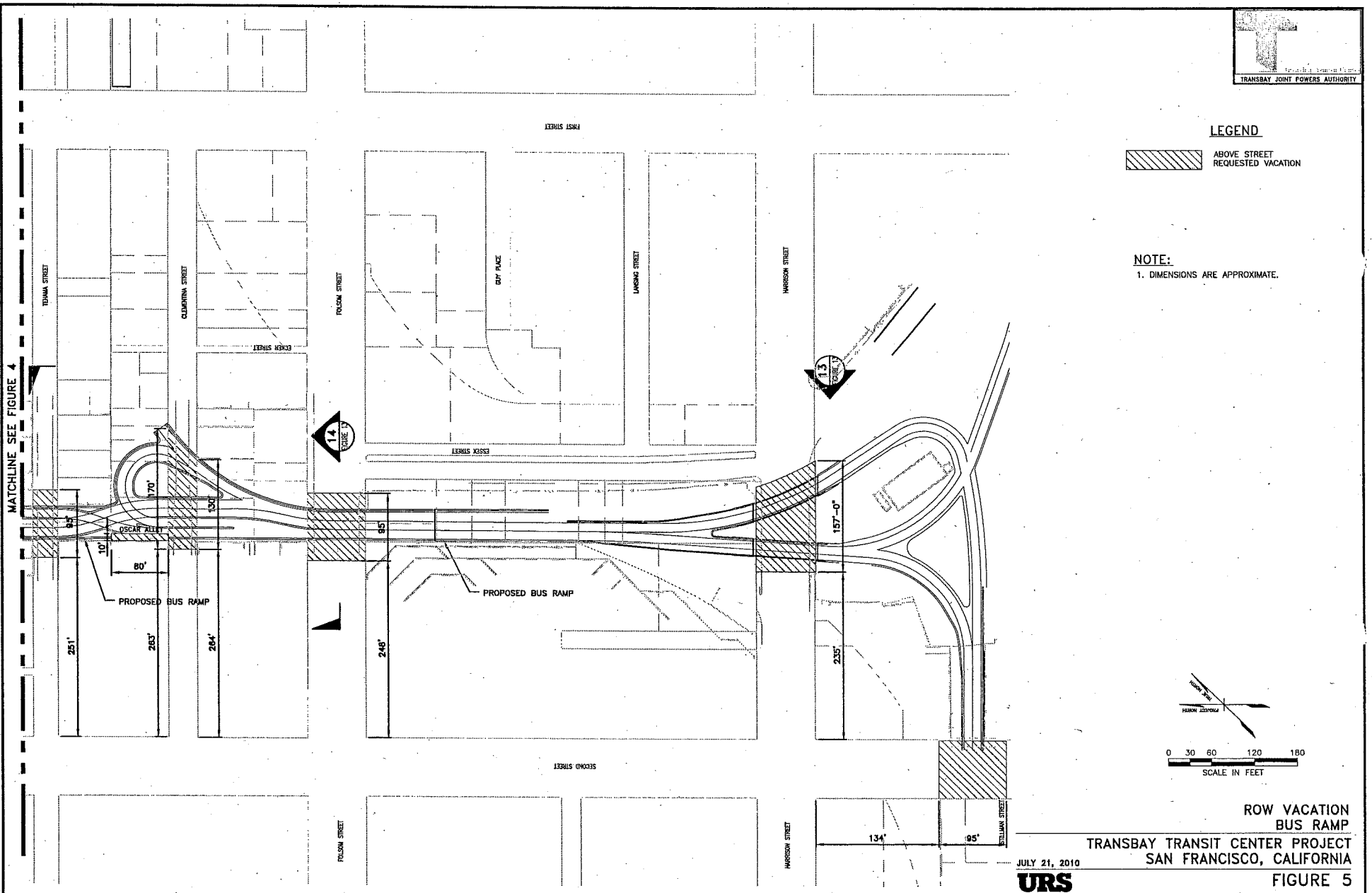
ABOVE GROUND ROW VACATION TRANSIT CENTER

TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

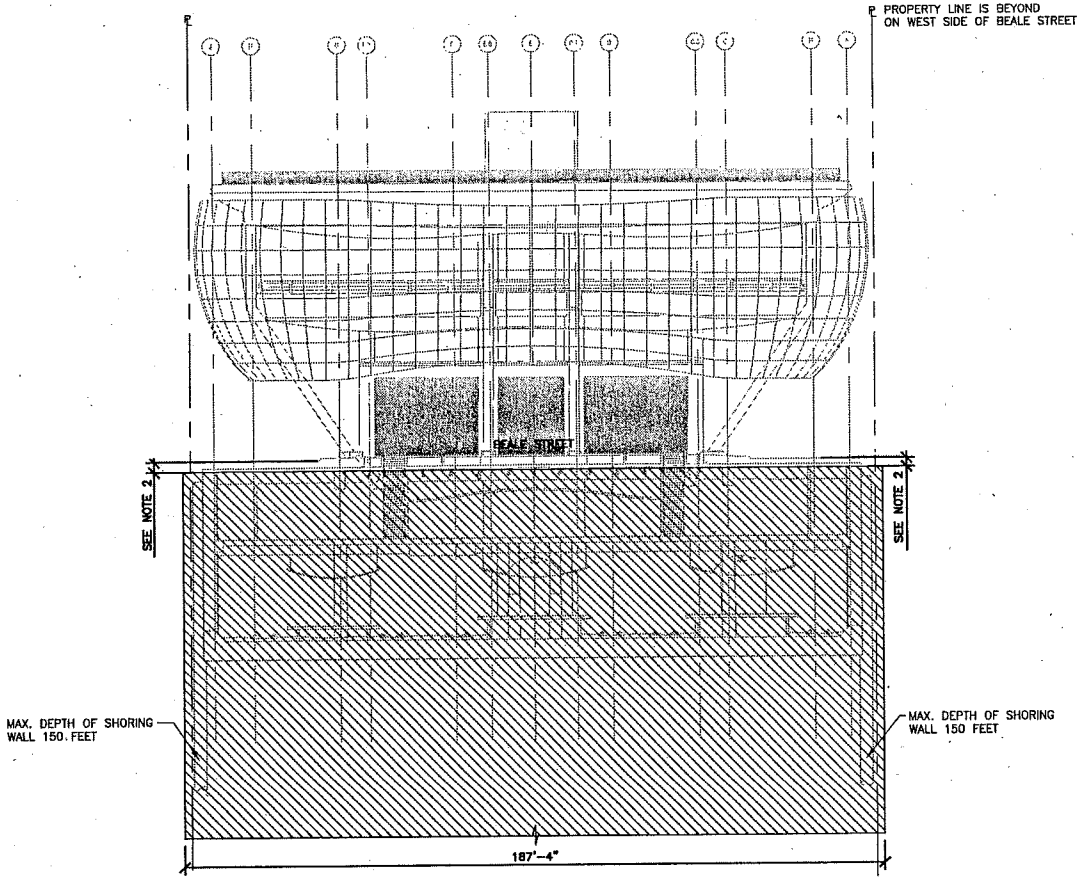
JULY 21, 2010

URS

FIGURE 4



TRANSBAY JOINT POWERS AUTHORITY



LOOKING WEST

6 FIGURE 1 SECTION AT BEALE STREET
SCALE: 1/16"=1'-0"

LEGEND

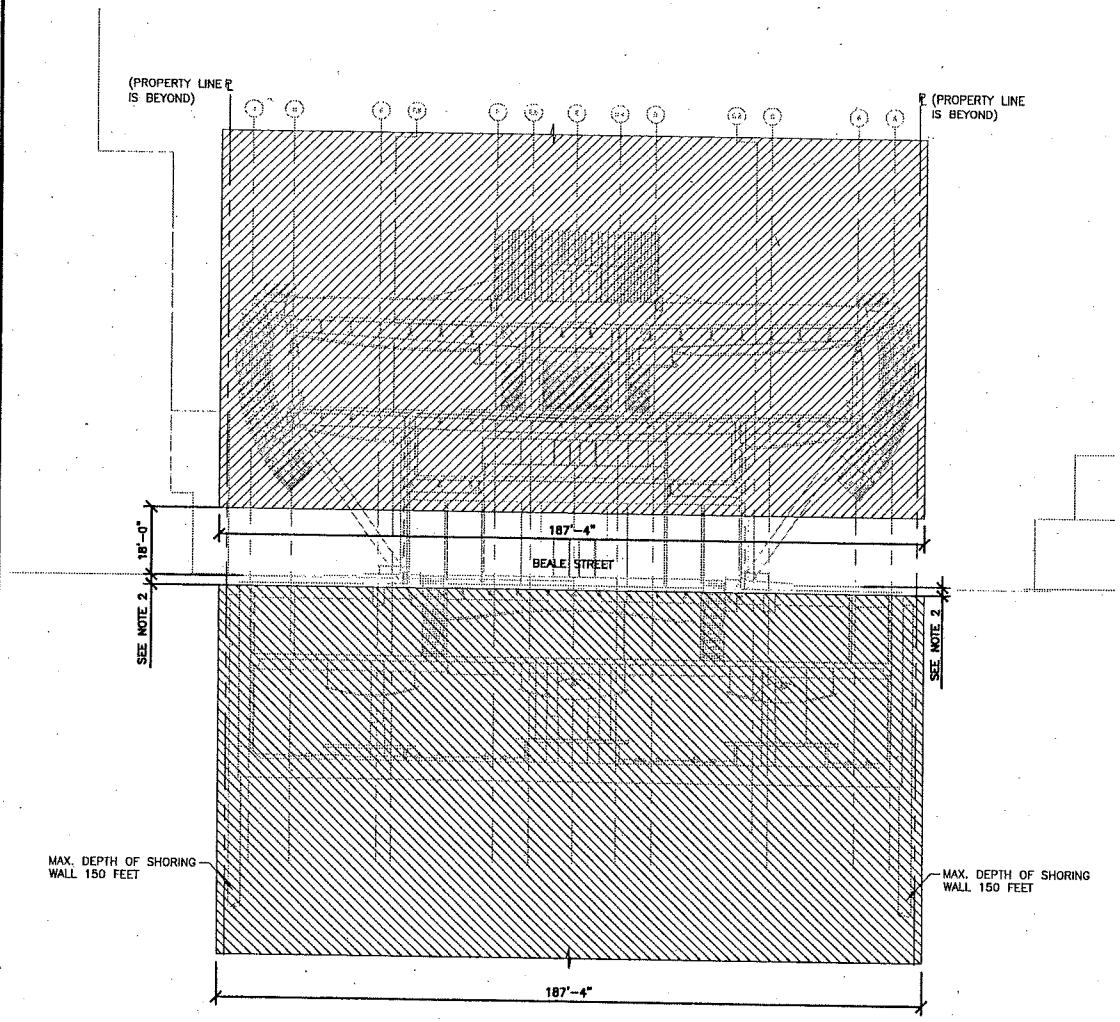
BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION AND FOR UTILITY CLEARANCE.

0 8 16 32 48
SCALE IN FEET

ROW VACATION
BEALE STREET
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA
JULY 21, 2010
URS
FIGURE 6



LOOKING WEST
SECTION AT BEALE STREET
SCALE: 1/16"=1'-0"

7 FIGURE 3 | 7 FIGURE 4

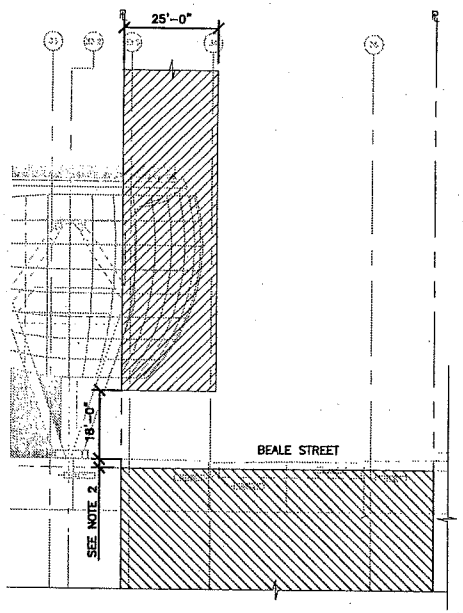
LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION AND FOR UTILITY CLEARANCE.



LOOKING NORTH
SECTION AT BEALE STREET
SCALE: 1/16"=1'-0"

0 8 16 32 48
SCALE IN FEET

TRANSBAY JOINT POWERS AUTHORITY

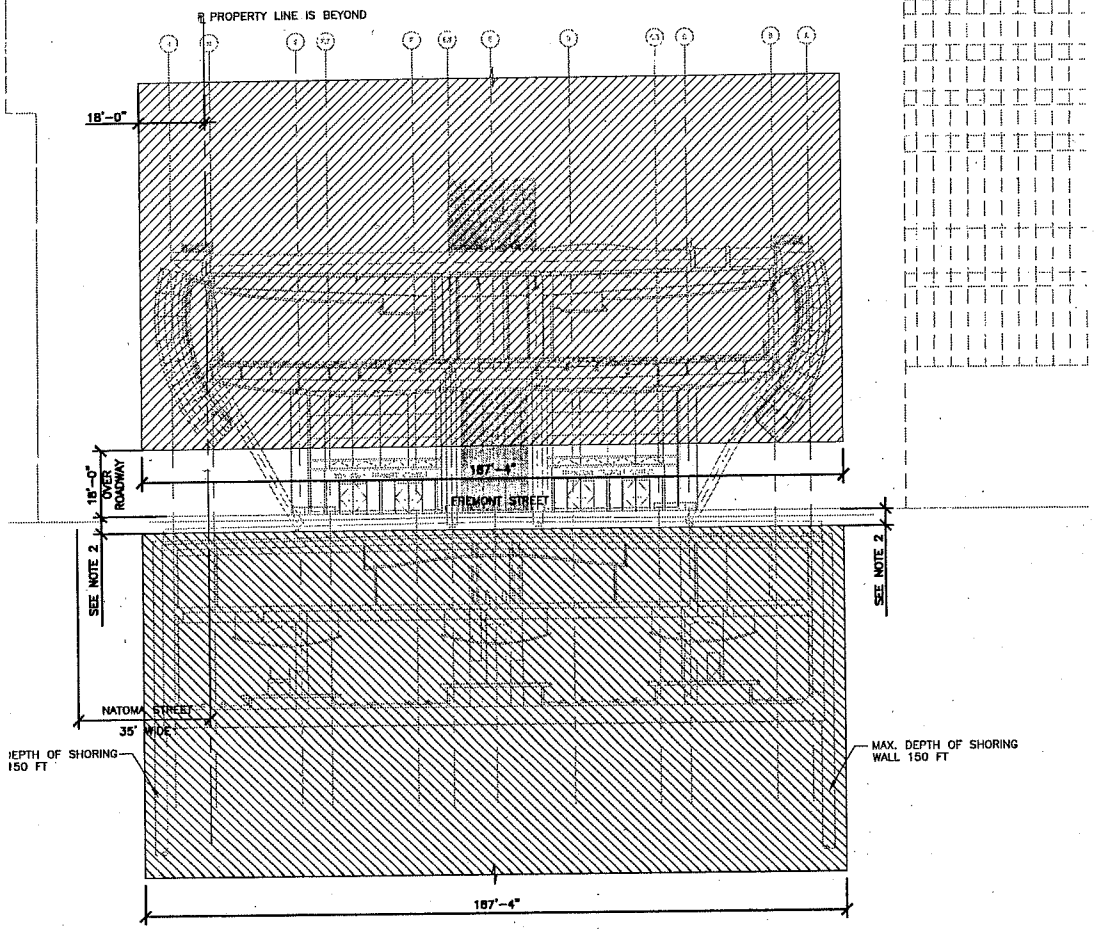
ROW VACATION
BEALE STREET
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 7

608

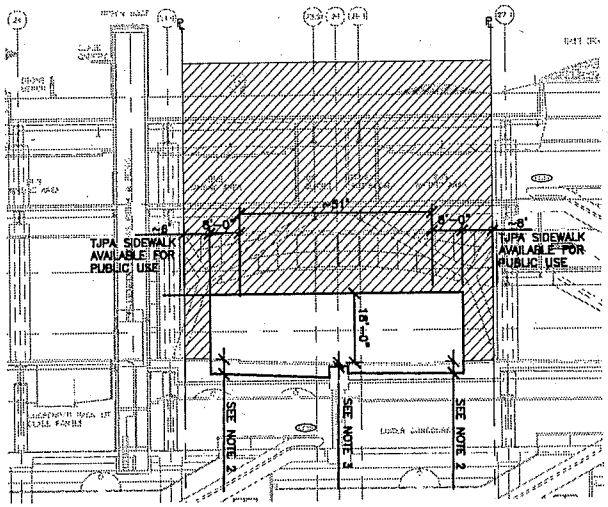


LOOKING WEST

8 FIGURE 7 | 8 FIGURE 9

SECTION AT FREMONT STREET

SCALE:1/16"=1'-0"



LOOKING NORTH

SECTION AT FREMONT STREET

SCALE:1/16"=1'-0"

LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION AND FOR UTILITY CLEARANCE.
3. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY SECTION.

0 8 16 32 48

SCALE IN FEET

TRANSBAY JOINT POWERS AUTHORITY

ROW VACATION
FREMONT STREET

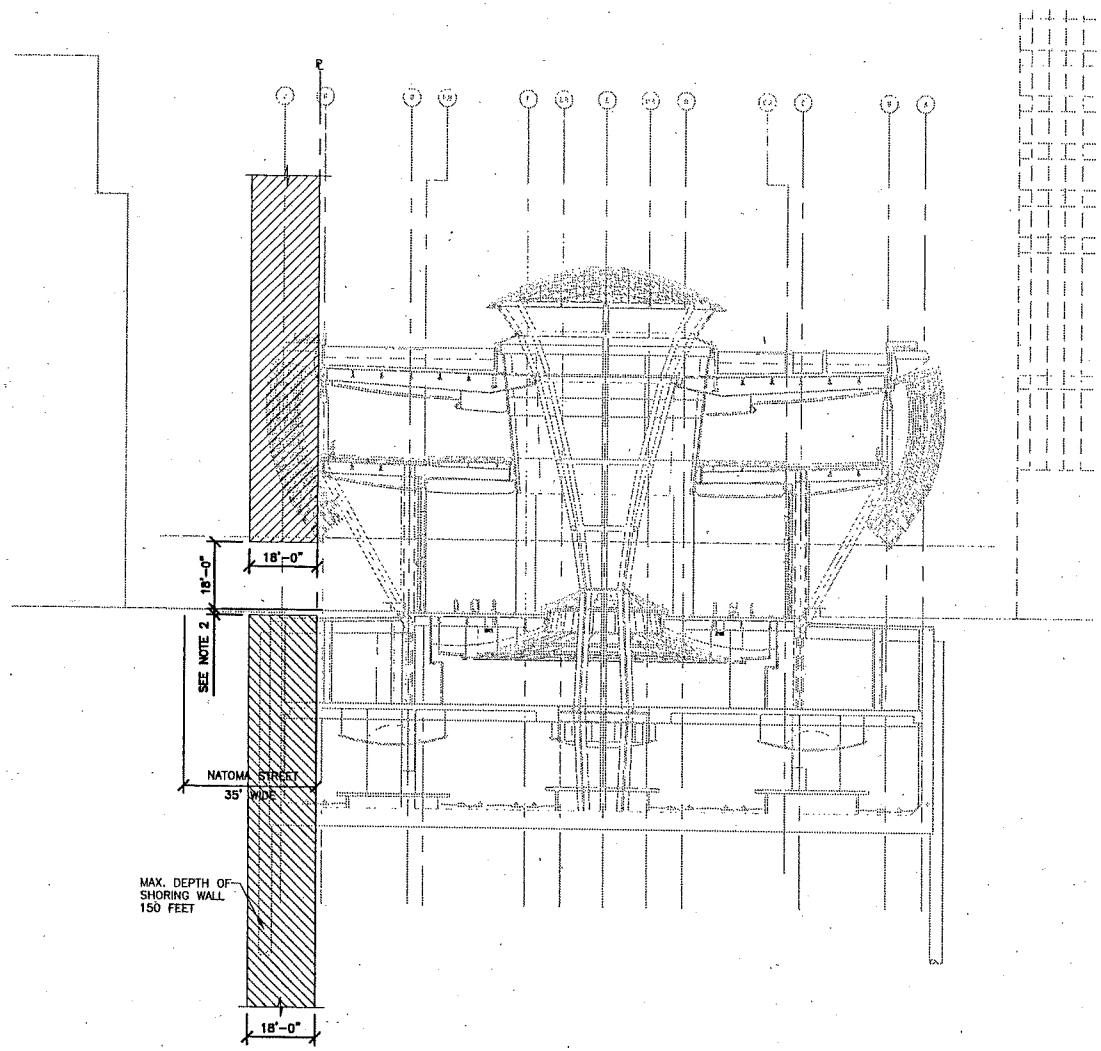
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 8

TRANSBAY JOINT POWERS AUTHORITY



LOOKING WEST

9 FIGURE 3 / 9 FIGURE 4 SECTION BETWEEN FREMONT AND FIRST STREET

SCALE: 1/16"=1'-0"

LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION AND FOR UTILITY CLEARANCE.

0 8 16 32 48

SCALE IN FEET

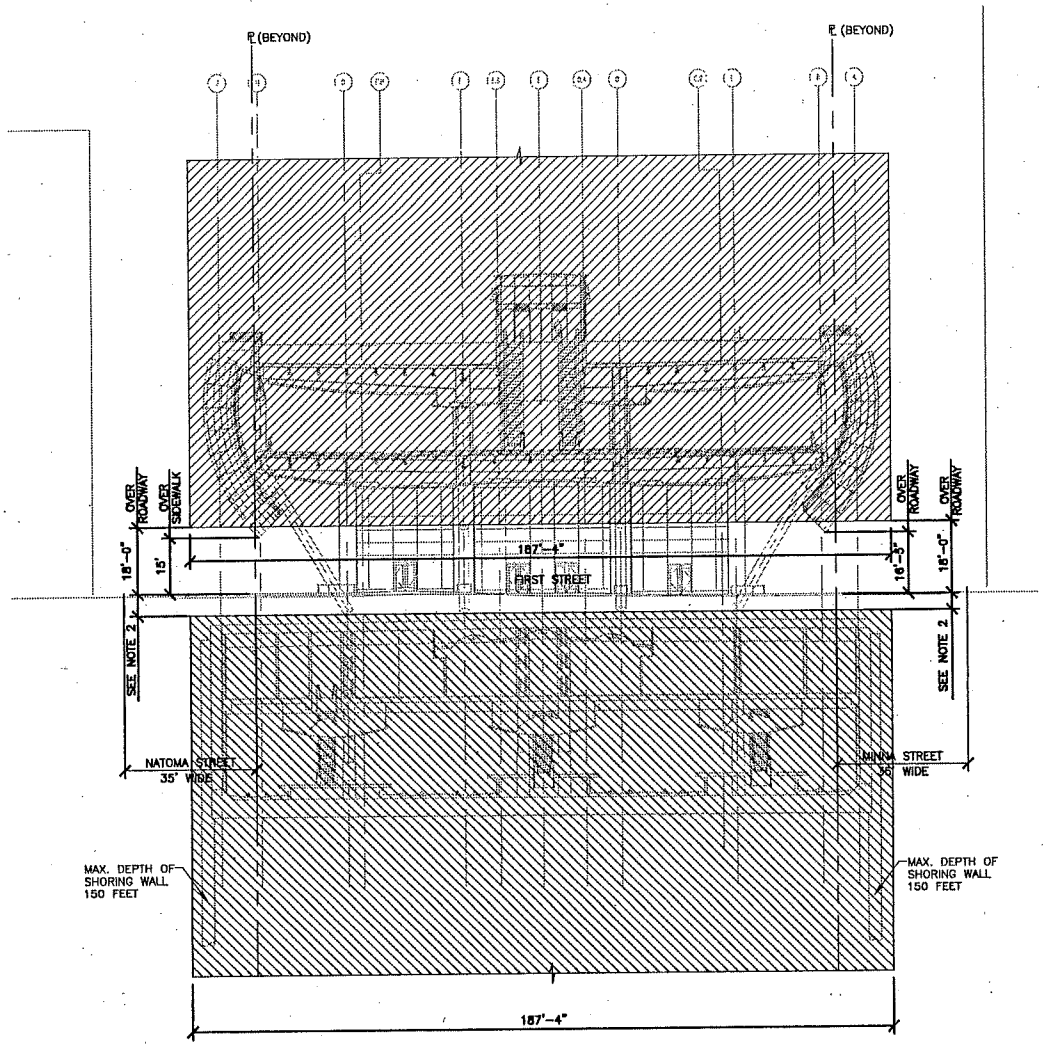
ROW VACATION
BETWEEN FREMONT AND FIRST STREET
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 9

TRANSBAY JOINT POWERS AUTHORITY



LOOKING WEST

10 FIGURE 3 | 10 FIGURE 4 SECTION AT FIRST STREET
SCALE: 1/16"=1'-0"

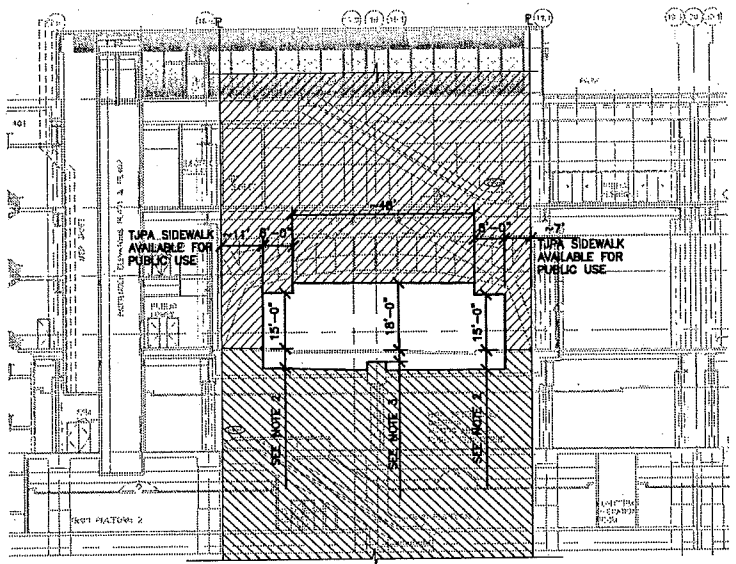
LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FC CITY ROADWAY AND SIDEWALK SECTION AND F UTILITY CLEARANCE.
3. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY SECTION.

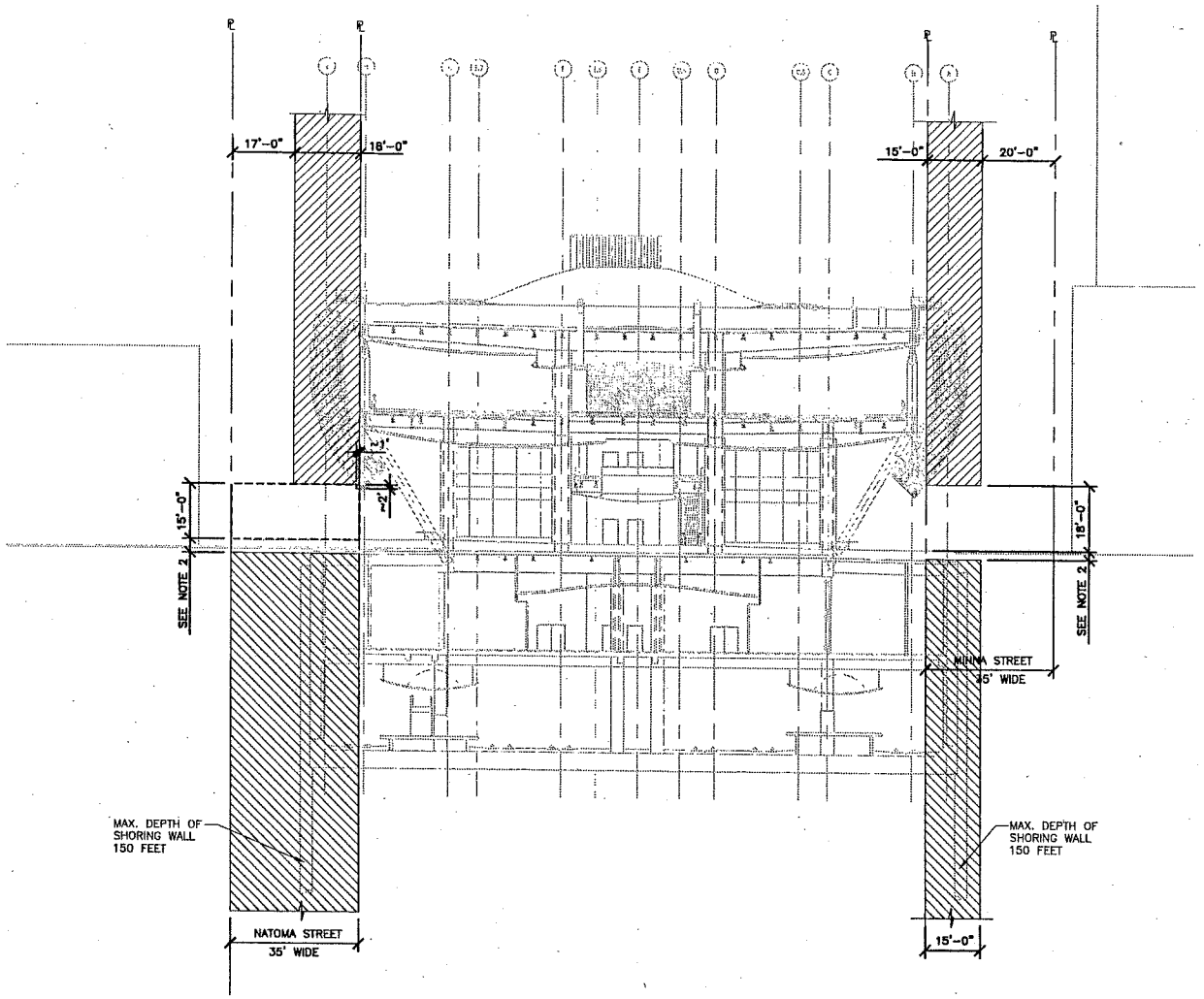


LOOKING NORTH

SECTION AT FIRST STREET
SCALE: 1/16"=1'-0"

0 8 16 32 48
SCALE IN FEET

ROW VACATION
FIRST STREET
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA
JULY 21, 2010
URS
FIGURE 10



LOOKING WEST

11 FIGURE 3 | 11 FIGURE 4 SECTION – WEST OF FIRST STREET
SCALE: 1/16"=1'-0"

0 8 16 32 48
SCALE IN FEET

TRANSBAY JOINT POWERS AUTHORITY

LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION.

ROW VACATION
WEST OF FIRST STREET
TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

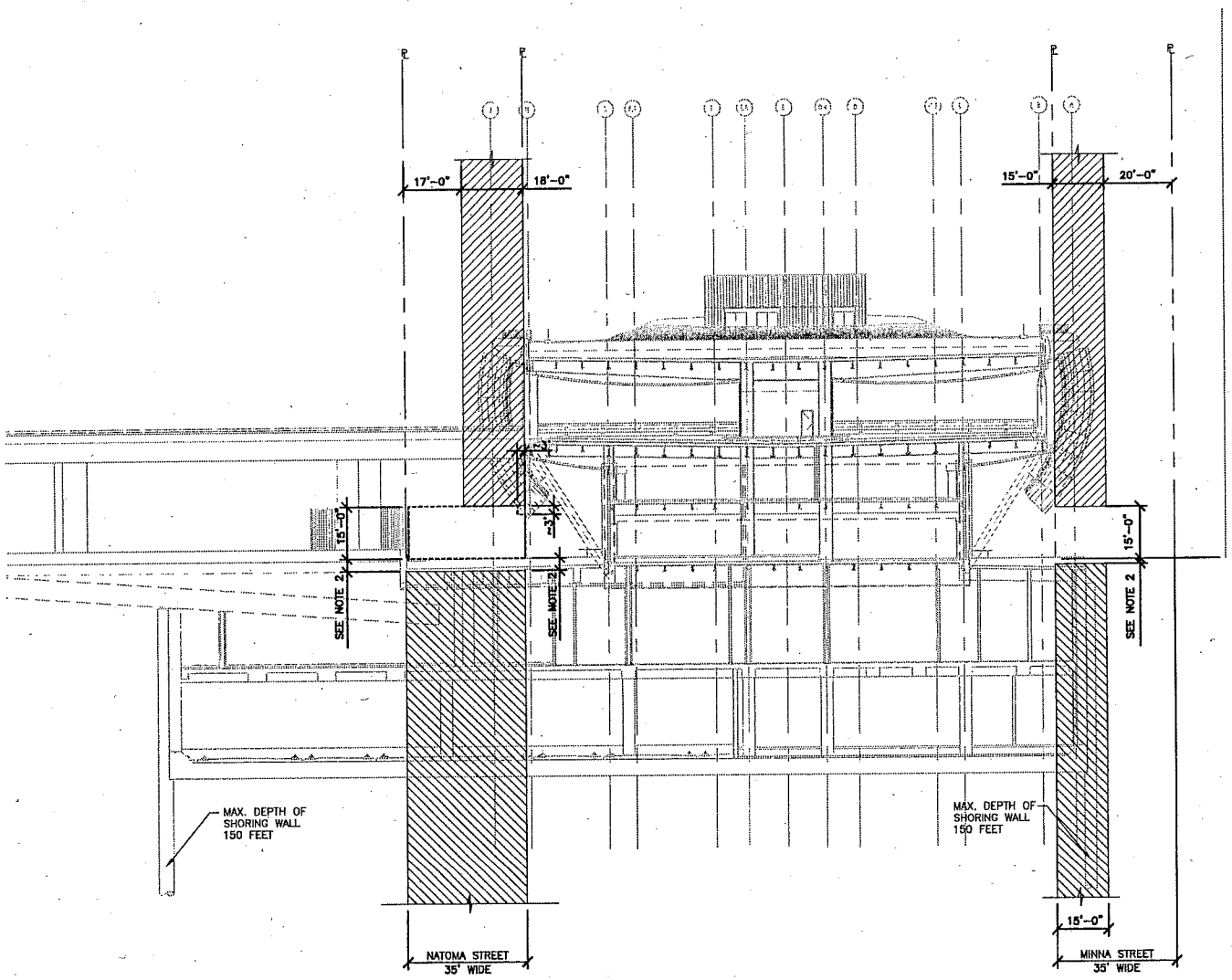
JULY 21, 2010

URS

FIGURE 11

812

TRANSBAY JOINT POWERS AUTHORITY



LOOKING WEST

12 FIGURE 3 / 12 FIGURE 4 SECTION AT WEST END
SCALE: 1/16"=1'-0"

0 8 16 32 48
SCALE IN FEET

LEGEND

ABOVE STREET REQUESTED VACATION

BELOW STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.
2. CLEARANCE ABOVE TRAIN BOX WILL ALLOW FOR CITY ROADWAY AND SIDEWALK SECTION.

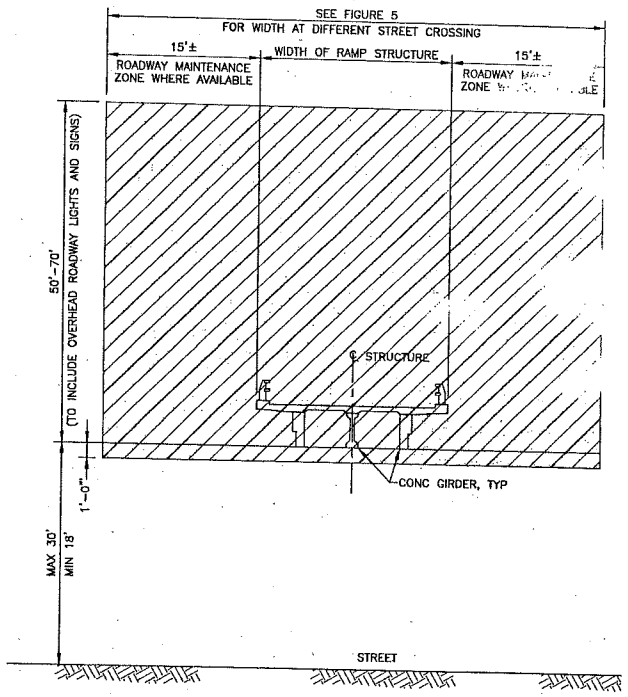
ROW VACATION
WEST END

TRANSBAY TRANSIT CENTER PROJECT
SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

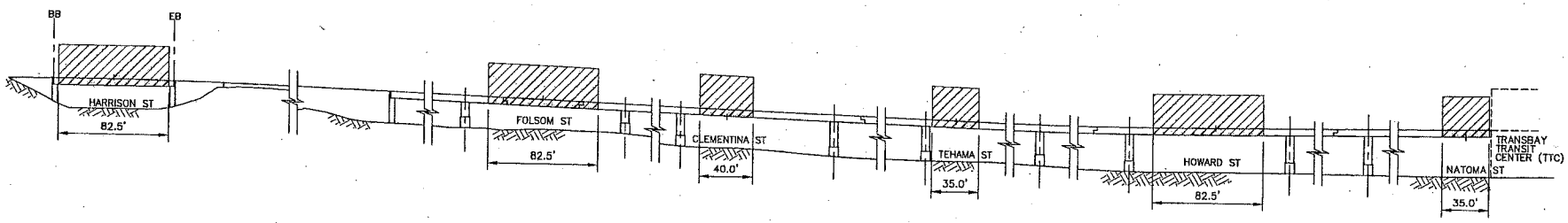
FIGURE 12



14 FIGURE 5 TYPICAL RAMP SECTION AT STREET CROSSING

SCALE: 0 2 4 8 12

SCALE IN FEET



13 FIGURE 4 / 13 FIGURE 5 ELEVATION

SCALE: 0 10 20 40 60

SCALE IN FEET

TRANSBAY JOINT POWERS AUTHORITY

LEGEND

ABOVE STREET REQUESTED VACATION

NOTE:

1. DIMENSIONS ARE APPROXIMATE.

BUS RAMP ELEVATIONS AND SECTIONS

TRANSBAY TRANSIT CENTER PROJECT

SAN FRANCISCO, CALIFORNIA

JULY 21, 2010

URS

FIGURE 13

814

CIN 1015267

RECEIVED DEC 10 2010

CIN			File Code	
Project: PW DTX TC BS BR S&I TI ET PMPC				
CW Module: ☒ Comsp. ☐ FD ☐ Contracts ☐ Drawing ☐ Permits ☐ Other				
Name	Info:	Action	Name	Info: Action
Emilio	☐	☐	Phil/Suyi/Will	☒ ☐
Steve	☐	☐	Judy/Karen	☐ ☐
Jim	☐	☐	Prasad	☐ ☐
Jason/Derrick	☒	☐	Jason P/ Jason R	☐ ☐
Doug	☐	☐	Jimmy	☐ ☐
Alfred/Mark	☐	☐	Whitney	☐ ☐
Brad/Derek/Meghan	☐	☐		☐ ☐

TRANSBAY JOINT POWERS AUTHORITY

Memo

To: John Kwong, San Francisco Department of Public Works

From: Edmond Sum, PE
Engineering Manager

CC: J. Oishi
G. Hollins

Date: 12/9/2010

Re: Summary of Development of Utility Relocation for the Transit Center Project

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This memorandum summarizes the efforts of the Transbay Joint Powers Authority (TJPA) to assemble existing utility information, verify the location of utility infrastructure, and coordinate in collaboration with affected utility agencies the relocation of utility infrastructure within the Transit Center project area.

Over the past five years, the TJPA has involved private and public utility agencies to plan relocation of all existing utilities affected by construction of the new Transbay Transit Center. The TJPA's utility relocation construction documents are the result of the many years of detailed study and coordination. Exhaustive measures were taken to notify each utility agency of the complex sequencing of the substantial work scope and to request and confirm the location and function of existing utilities in the Transit Center project area.

The enclosed utility relocation 100% Design Development documents show the current location and future alignment of each utility, and provide detailed construction sequences that allow each utility to operate uninterrupted during all phases of the Transit Center construction.

- Pacific Gas and Electric (PG&E), American Telephone and Telegraph (AT&T), and Verizon have engineered their utility relocations and are responsible for their construction.
- The TJPA is responsible for the engineering design and construction of City utilities for domestic water, wastewater, and City-owned street lighting and traffic signal systems.
- The TJPA is also responsible for construction of two City systems based on engineering by City departments: (1) San Francisco Fire Department (SFFD) and the Department of Public Works Bureau of Engineering (DPW BOE) have designed the auxiliary water

supply system (AWSS) relocations, and (2) Muni overhead catenary system relocations have been designed by the San Francisco Municipal Transportation Agency (SFMTA).

The TJPA will bid the total scope of utility relocation work for which it is responsible in six construction contracts; to date, the TJPA Board has awarded three of the six utility construction contracts. AT&T and Verizon completed their initial relocations, and as of October 2010 PG&E is actively working on its first phase of utility relocations.

Utility relocations on Minna and Natoma streets will consolidate existing utilities to areas to the north and south, respectively, beyond the below-grade train box structure. Utility relocations on First, Fremont, and Beale streets will ultimately realign all utilities above the Transit Center's foundation structure—located just below street grade. At the project's completion, the utility agencies will have unimpeded access to maintain all utility lines.

The depth of all relocated utilities within the Transbay Transit Center Program area will meet the requirements mandated by the State of California General Ordinance 128—*Public Utilities Commission Rules for Construction of Underground Electric Supply and Communications Systems*.

The process by which the scope of work and sequencing of utility relocations were engineered is outlined below:

1. Notices of intent and requests for utility information were issued by the TJPA and were instrumental in the TJPA's assembling of information on existing utility infrastructure.
2. Two phases of field verification were undertaken to independently confirm the location of existing utilities, which improved the reliability of the relocation data and strategies.
3. The preliminary engineering report provided to affected utility agencies by the TJPA formally documented the TJPA's understanding of existing utility infrastructure and proposed relocation alternatives, and clarified design and construction responsibilities for each utility agency.
4. Plans and specifications developed during Design Development and for construction documents further refined engineering proposals and sequencing in collaboration with utility agencies.

The following paragraphs describe each step in detail.

1. Notice of Intent #1

On August 8, 2005, the TJPA issued a first Notice of Intent and Request for Utility Information and Coordination (NOI #1) to public utility agencies and private utility companies in the City's utility agency database. NOI #1 requested drawings and technical data to describe the existing utility facilities located within the Program area, including project areas for the Temporary Terminal, Transit Center, Bus Ramps, Bus Storage Facility, Downtown Rail Extension (DTX) tunnel alignment, DTX Fourth and Townsend Street Station, and DTX tail tracks. NOI #1 is enclosed.

Of the 50 NOI letters issued, 24 responses were received. Many of these included as-built drawings identifying areas requiring utility coordination and potential conflict.

Following the receipt of the NOI #1 responses, the TJPA developed composite preliminary utility drawings to capture information provided by the various utility providers.

2. NOI #1 Confirmation
On September 22, 2006, the TJPA issued to utility agencies a Confirmation of Utility Information Letter (NOI #1 Confirmation), with TJPA plans showing the utility facilities in the areas adjacent to the Transit Center. Agencies were requested to review and confirm that existing utilities were depicted correctly on the TJPA composite utility drawings. NOI #1 confirmation is enclosed.

Of the 12 NOI #1 confirmation letters issued, 4 responses were received from utility providers indicating general agreement with the composite utility drawings or offering additional information for clarification.

3. Notice of Intent #2
On October 25, 2006, the TJPA issued a second Notice of Intent and Request for Utility Information (NOI #2) to 25 utility providers, roughly the number of respondents to NOI #1. NOI #2 requested utility information for three new areas of study, specifically, the streets beyond those included in NOI #1 but in the vicinity of the Fourth and Townsend Street Station; the streets near the Embarcadero to support the DTX loop study; and streets adjacent to the Transit Center and along Market Street to support the BART/Muni connector study. NOI #2 is enclosed.

The TJPA received 14 responses to NOI #2. Information gathered from NOI #2 was used to develop new composite utility drawings for the Temporary Terminal, Bus Storage facility, and Transit Center building, and to support feasibility studies for the DTX and the BART/Muni pedestrian connector tunnel.

4. Independent Confirmation of Existing Utilities – Step 1 Non-invasive
On September 20, 2007, the TJPA contracted with AECOM to design and coordinate the utility relocations required to construct the Transit Center. In early 2008, AECOM reviewed all available as-built information and utility composite maps prepared by the TJPA and completed an independent utility designation and location program in accordance with the American Society of Civil Engineering standard guidelines. AECOM's utility designation and location program included a field survey tied to the San Francisco City Datum, a topographic survey of the streets and sidewalks, and electromagnetic field induction surveys.

5. Preliminary Engineering Report
In November 2008, AECOM released a preliminary engineering report (PER) (enclosed). The purpose of the PER was to identify the utilities impacted within the Transit Center project area, provide relocation alternatives, and clarify design and construction responsibilities for each utility.

The PER confirmed that the private utility owners, including PG&E, AT&T, and Verizon, will perform their own engineering design and construction. The TJPA will be responsible for design and construction of the domestic water, wastewater, and City-owned street lighting and traffic signal systems. SFFD and DPW will design the AWSS; however, the TJPA will be responsible for the construction of these improvements. Similarly, all Muni improvements will be designed by SFMTA and constructed by the TJPA.

Three alternative relocation strategies were considered:

Alternative 1 – Clear Utilities within the Transit Center Footprint
This strategy involved the complete removal of all north–south utilities over the Transit Center train box on First, Fremont, and Beale streets and the relocation of these utilities to adjacent streets. This alternative also proposed a complete removal of all east–west utilities over the train box on Minna and Natoma streets and relocation of these utilities outside of the footprint. Utilities would be either capped at the perimeter shoring wall and removed within the footprint or permanently relocated to adjacent streets including Second, Mission, Howard, and Main streets.

Alternative 2 – Relocate Utilities within Affected Streets
This strategy allowed for the relocation of dry utilities over the Transit Center train box, including those located on First, Fremont, and Beale streets. Wet utilities would be relocated outside the Transit Center footprint to avoid crossing over the train box. Utility relocations would be sequenced to allow construction of the perimeter shoring wall and grade slab across each street. Once constructed, this grade slab would form the bottom of a utility corridor where utilities could then be permanently relocated.

Alternative 3 – Span Utilities Overhead Across the Footprint
This strategy offered the opportunity to temporarily hang or support dry utilities over the Transit Center footprint on First, Fremont, and Beale streets and along Minna and Natoma streets on overhead support structures. Once the grade slab was constructed below, dry utilities would be relocated to utility corridors.

After reviewing and evaluating the construction feasibility and schedule and cost impacts of each alternative with the utility agencies, the TJPA decided to pursue Alternative 2, Relocate Utilities within Affected Streets.

6. Notice of Intent #3
On January 26, 2009, the TJPA issued a third Notice of Intent and Request for Utility Information (NOI #3) to 43 utility providers. NOI #3 repeated the request for utility information for the streets within the Transit Center project area: Mission, Second, Howard, Main, First, Fremont, Beale, Minna, and Natoma streets. NOI #3 is enclosed.

The TJPA received 12 responses to NOI #3. Information gathered from NOI #3 was used to determine the feasibility of proposed utility relocation alternatives.

7. 30% Design Development
On March 31, 2009, AECOM released 30% Design Development plans and specifications (enclosed) for review. The 30% Design Development submittal included utility alignments, utility profiles, preliminary utility sizing, and preliminary utility construction sequencing. The 30% Design Development submittal also included outline specifications and material selection.

The 30% Design Development plans and specifications were mailed to all potentially affected utility providers as determined by NOI #1, NOI #2, NOI #3, and the Independent Confirmation of Existing Utilities Step 1. AECOM's 30% Design Development plans and specifications were distributed to (1) AboveNet, (2) AT&T, (3) Caltrans, (4) Level 3, (5) NRG Energy, (6) PG&E, (7) Qwest, (8) Time Warner, (9) Verizon, (10) XO Communications, and (11) the City (DPW, DTIS, SFMTA, SFPUC, and SFFD).

8. 50% Design Development
On August 14, 2009, AECOM released 50% Design Development plans and specifications (enclosed) for review. The 50% Design Development submittal included utility alignment cross sections, interim service plans (provisions for temporary services during construction), and utility demolition plans. The 50% Design Development submittal also included standard technical specifications, selected Division 01 specifications, and special conditions.

The 50% Design Development plans and specifications were mailed to all potentially affected utility providers as determined by NOI #1, NOI #2, NOI #3, the Independent Confirmation of Existing Utilities Step 1, and responses to the 30% Design Development review. AECOM's 50% Design Development plans and specifications were distributed to (1) AboveNet, (2) AT&T, (3) AT&T Legacy T, (4) Caltrans, (5) Comcast, (6) IPN Networks, (7) Level 3, (8) NRG Energy, (9) PG&E, (10) Qwest, (11) TCG Communications, (12) Time Warner, (13) Verizon, (14) XO Communications, and (15) the City (DPW, DTIS, SFMTA, SFPUC, and SFFD).

9. Independent Confirmation of Existing Utilities – Step 2 Invasive
From August through October 2009, the TJPA managed a trenching and potholing program to positively identify the location of existing (known and unknown utilities) in sensitive areas within the Program area. This work involved utility locating using probes and vacuum excavation performed at critical locations where utility conflicts are a concern for detailed design purposes. Utility location established three-dimensional coordinates, with vertical tolerances of approximately 0.05 foot based on referenced benchmarks. A section was prepared at each trench location, and a written log of each pothole was prepared.

This work involved the excavation of 5 trenches and approximately 60 potholes across First, Fremont, Beale, Minna, and Natoma streets. Results of the trenching and potholing were shared with all utility agencies with confirmed facilities in the Transit Center project area to verify the specific utility exposed and to confirm that the existing conditions information shown on the design development plans was accurate.

10. 90% Design Development
On April 9, 2010, AECOM released 90% Design Development plans and specifications (enclosed) for review. The 90% Design Development submittal included updated utility alignments; construction sequencing; and new civil, structural, mechanical, and electrical details. The 90% Design Development submittal also included detailed technical specifications, mitigation measures and monitoring requirements, traffic control requirements, and permit requirements.

The 90% Design Development plans and specifications were mailed to all potentially affected utility providers as determined by NOI #1, NOI #2, NOI #3, the Independent Confirmation of Existing Utilities Step 1 and Step 2, and responses to the 50% Design Development review. AECOM's 90% Design Development plans and specifications were distributed to (1) AboveNet, (2) AT&T, (3) AT&T Legacy T, (4) Caltrans, (5) Comcast, (6) IPN Networks, (7) Level 3, (8) NRG Energy, (9) PG&E, (10) Qwest, (11) TCG Communications, (12) Time Warner, (13) Verizon, and (14) the City (DPW, DTIS, MTA, PUC, and SFFD).

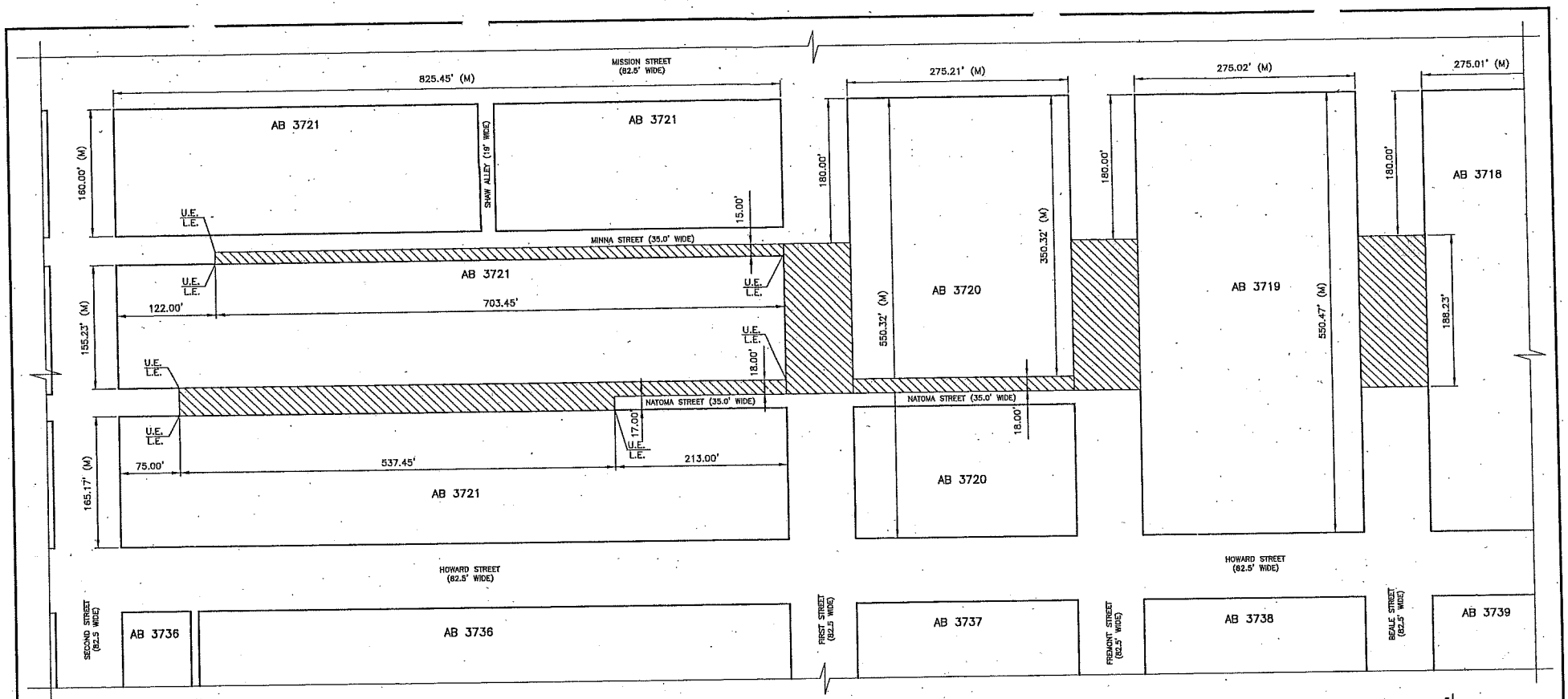
11. 100% Design Development

On July 9, 2010, AECOM released 100% Design Development plans and specifications (enclosed) for review. The 100% Design Development submittal included final design plans, demolition plans, details, construction sequencing, and environmental mitigation plans.

The 100% Design Development plans and specifications were mailed to all potentially affected utility providers as determined by NOI #1, NOI #2, NOI #3, the Independent Confirmation of Existing Utilities Step 1 and Step 2, and responses to the 90% Design Development review. AECOM's 100% Design Development plans and specifications were distributed to (1) AboveNet, (2) AT&T, (3) AT&T Legacy T, (4) Caltrans, (5) Comcast, (6) IPN Networks, (7) Level 3, (8) NRG Energy, (9) PG&E, (10) Qwest, (11) TCG Communications, (12) Time Warner, (13) Verizon, and (14) the City (DPW, DTIS, SFMTA, SFPUC, and SFFD).

Enclosures:

i. Notice of Intent #1
ii. Notice of Intent #1 confirmation
iii. Notice of Intent #2
iv. Notice of Intent #3
v. Preliminary Engineering Report for Relocation of Utilities Project
vi. AECOM 30% Design Development plans and specifications
vii. AECOM 50% Design Development plans and specifications
viii. AECOM 90% Design Development plans and specifications
ix. AECOM 100% Design Development plans and specifications



LEGEND

▨	PROPOSED SUBSURFACE AREA TO BE VACATED
L.E.	LOWER ELEVATION IS THE CENTER OF EARTH
U.E.	UPPER ELEVATION IS MINIMUM OF 10 INCHES BELOW EXISTING SURFACE
AB	ASSESSOR'S BLOCK
(M)	MEASURED
(82.5' WIDE)	INDICATES RECORD DATA

REFERENCES:

TABLE OF CHANGES

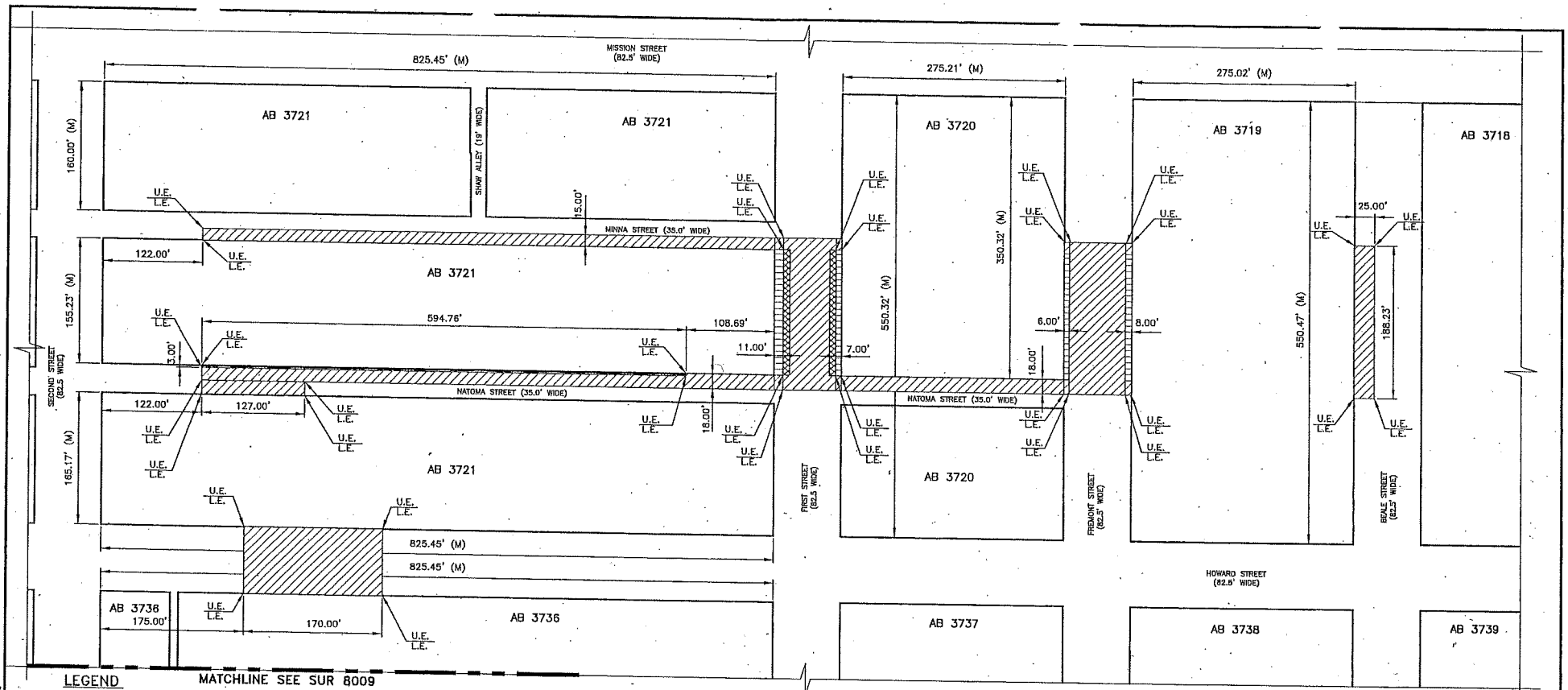
NO	DATE	BY	DESCRIPTION

	BY	DATE
DRW		
CK		
APP		

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
TRANSBAY TRANSIT CENTER
SUBSURFACE VACATION

APPROVED	SCALE:	FILE	CHANGE
DATE DECEMBER 17, 2010	SHEET OF	SUR 6009	

821



LEGEND

- L.E. IS 18' ABOVE EXISTING SURFACE
- L.E. IS 15' ABOVE EXISTING SURFACE
- L.E. IS AT EXISTING SURFACE
- L.E. IS 12' ABOVE EXISTING SURFACE
- U.E. — UPPER ELEVATION IS 150' ABOVE EXISTING SURFACE.
- (AB) — ASSESSOR'S BLOCK
- (M) — MEASURED
- (82.5' WIDE) — INDICATES RECORD DATA

0 30 60 120 180
SCALE IN FEET

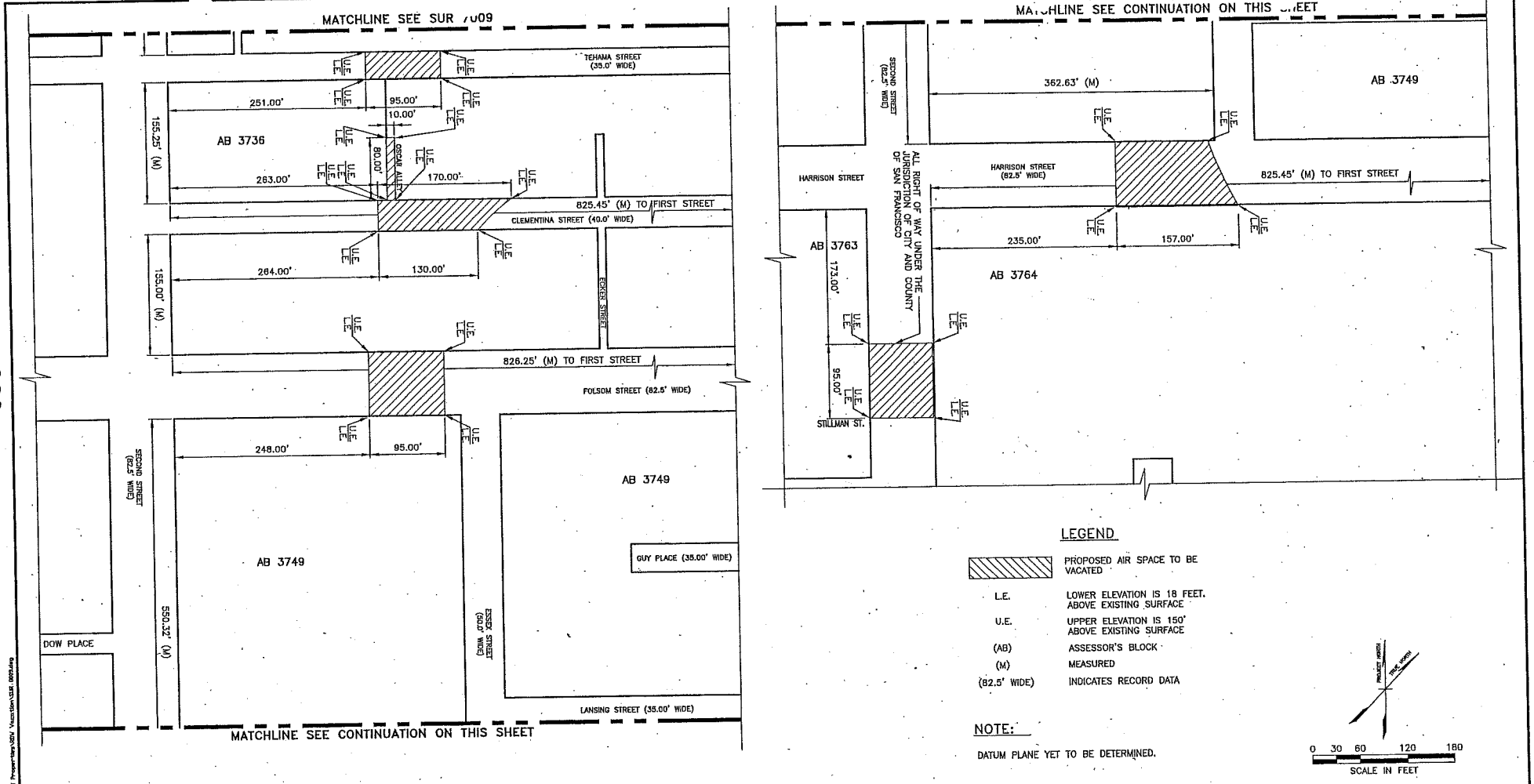
REFERENCES:

TABLE OF CHANGES					
NO	DATE	BY	DESCRIPTION	BY	DATE
				DRW	
				CK	
				APP	

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
TRANSBAY TRANSIT CENTER
AIR SPACE VACATION

APPROVED	SCALE:	FILE	CHANGE
DATE DECEMBER 17, 2010	SHEET OF	SUR 8009	

822



LEGEND

	PROPOSED AIR SPACE TO BE VACATED
L.E.	LOWER ELEVATION IS 18 FEET. ABOVE EXISTING SURFACE
U.E.	UPPER ELEVATION IS 150' ABOVE EXISTING SURFACE
(AB)	ASSESSOR'S BLOCK
(M)	MEASURED
(82.5' WIDE)	INDICATES RECORD DATA

NOTE:

DATUM PLANE YET TO BE DETERMINED.

REFERENCES:

TABLE OF CHANGES

NO	DATE	BY	DESCRIPTION

	BY	DATE
DRW		
CK		
APP		

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
TRANSBAY TRANSIT CENTER - BUS RAMP
AIR SPACE VACATION

APPROVED
DATE DECEMBER 17, 2010

SCALE:
SHEET OF

FILE SUR 8009

CHANGE

San Francisco
Redevelopment Agency

One South Van Ness Avenue
San Francisco, CA 94103

415.749.2400

December 17, 2010

122-0410-013

Joyce Oishi
Program Coordinator
Transbay Transit Center
201 Mission Street, Suite 2750
San Francisco, CA 94105

Dear Ms. Oishi:

The staff of the San Francisco Redevelopment Agency ("Agency") have reviewed the street vacation request submitted to the Agency on December 1, 2010. We understand that these street vacations are necessary to allow the Transbay Transit Center and its bus ramps to occupy space above and below public streets in the City and County of San Francisco. Based on the materials we have reviewed, we do not find any of the requests to be inconsistent with the Redevelopment Plan for the Transbay Redevelopment Project Area ("Redevelopment Plan").

If you have any other questions about the Redevelopment Plan, please do not hesitate to call me.

Sincerely,

for Mike Grisso

Michael J. Grisso
Senior Project Manager

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

John Updike,
Acting Director of Property
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Tel (415) 554-9875

Free Recording Requested Pursuant to
Government Code Section 27383

Documentary Transfer Tax of $0

(Space above this line reserved for Recorder's use only)

QUITCLAIM DEED

(Portion of Assessor's Parcel No. ____, Block _____)

The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("City"), pursuant to Ordinance No. _____, adopted by the Board of Supervisors on _____, 2011 and approved by the Mayor on _____, 2011, does hereby RELEASE, REMISE AND QUITCLAIM to the TRANSBAY JOINT POWERS AUTHORITY, a joint powers agency created under California Government Code Sections 6500 *et seq.* (the "Authority"), any and all right, title and interest City may have in and to the real property (the "Property") located in the City and County of San Francisco, State of California, described on the attached Exhibit A, subject to the following restrictions and reservations (collectively, the "Use Restrictions"):

1. The Property shall be used only for the construction, maintenance, repair and operation of the new Transbay Transit Center and any related bus ramps and rail extensions (the "Permitted Use").

2. The Property shall not be conveyed to any other party (other than the City) for any use that is not a Permitted Use; provided, however, that the Property may be conveyed to another governmental entity that will own and operate the Transbay Transit Center subject to the Use Restrictions.

3. If the Authority abandons its use of the Property for the Permitted Use, fee ownership of the Property shall automatically revert to the City as of the date of such abandonment. If the Authority fails to complete the initial construction of the Transbay Transit Center on or before _____ (the "Outside Date"), fee ownership of the Property shall automatically revert to the City as of the Outside Date.

4. The City reserves a temporary easement in the Property to access, maintain, operate, repair and remove the City's utilities and facilities located in the Property as of the date of this Quitclaim Deed (collectively, the "City Utilities"), as further described in Department of Public Works Order No. _____, dated _____, a copy of which is attached hereto as Exhibit B (the "DPW Order"). Such temporary easement for the City Utilities shall automatically expire when the Authority removes the City Utilities from the Property in the manner required by City.

5. The City reserves a temporary easement in the Property to permit the non-City parties that have utilities or any related facilities in the Property as of the date of this Quitclaim Deed to access, maintain, operate, repair and remove such utilities and facilities (collectively, the "Private Utilities"), as further described in the DPW Order. Such temporary easement for the Private Utilities shall automatically expire when the City's Department of Public Works grants the Authority a general excavation permit to undertake pre-trench work at the Property.

6. The portion of the public right-of-way vacated on First and Fremont Streets pursuant to this Quitclaim Deed shall continue to be used only as a public sidewalk and shall be maintained pursuant to the Sidewalk Maintenance Agreement between the Authority and the City, dated _____ and recorded in the Official Records of San Francisco County on the date this Quitclaim Deed is so recorded.

Executed as of this _____ day of _____, 2011.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
JOHN UPDIKE
Acting Director of Property

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: _____
Deputy City Attorney

LEGAL DESCRIPTION OF PROPERTY CHECKED AND APPROVED:

_____
BRUCE R. STORRS
City and County Surveyor
City and County of San Francisco

Exhibit A

Legal Description

Exhibit B

DPW Order

State of California)
)
County of San Francisco)

On _____ before me, _____, a notary public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

This is to certify that the interest in real property conveyed by this deed dated _____ from the first party to the Transbay Joint Powers Authority (the "Authority"), is hereby accepted pursuant to Transbay Joint Powers Authority Board of Directors Resolution No. _____, and the Authority acknowledges the power of termination held by the State of California, acting by and through its Department of Transportation, in such real property and consents to recordation of this deed by its duly authorized officer.

Dated: _____

By: _____
Maria Ayerdi-Kaplan
Executive Director