



San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

**Public Works Order No: 211036**

**Determination recommending the summary vacation of the airspace above Natoma Street and adjacent to 524-530 Howard Street to facilitate construction and maintenance of a publicly accessible pedestrian bridge connecting the 530 Howard Street Project and Salesforce Park, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.**

WHEREAS, San Francisco has fee title ownership of most public right-of-ways, which includes streets and sidewalks, as well as the airspace above and subsurface area below such streets and sidewalks; and

WHEREAS, The area subject to the proposed street vacation (“the Vacation Area”) is that certain airspace above Natoma Street and adjacent to 524-530 Howard Street, also known as 530 Howard, which is specifically shown on SUR Map No. 2024-001, dated August 29, 2024; and

WHEREAS, The subject airspace is proposed for vacation to permit the construction and maintenance of a publicly accessible pedestrian bridge spanning across Natoma Street and connecting the 530 Howard Project and the public park on the roof of the Transbay Transit Center (the “Proposed Pedestrian Bridge”) that is under the ownership and control of the Transbay Joint Powers Authority (“TJPA”); and

WHEREAS, The Vacation Area is unnecessary for the City’s present or prospective public street, sidewalk, and service easement purposes, and any rights based upon any such public or private utility facilities should be extinguished automatically upon the effectiveness of the vacation; and

WHEREAS, The summary street vacation is appropriate under Streets and Highways Code Sections 8330, 8334.5, and 8334(a) because: (a) Under California Streets and Highways Code Section 8330, the vacation would not cut off all access to a person’s property, adjoining the street, or terminate a public service easement, (b) Under California Streets and Highways Code Section 8334.5, there are no in-place public utility facilities that are in use and would be affected by the vacation, and (c) Under California Streets and Highways Code Section 8334(a), the airspace to be vacated constitutes excess right-of-way that is not required for street purposes; and

WHEREAS, The Vacation Area is not needed as a public street, sidewalk, or nonmotorized transportation facility under California Streets and Highways Code Sections 892 and 8314, because the non-vacated portion of Natoma Street at ground level will still function for these purposes; and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787; and

WHEREAS, The San Francisco Planning Department, in compliance with the California Environmental Quality Act ("CEQA"), determined that the Proposed Pedestrian Bridge was fully evaluated in the Transit Center District Plan and Transit Tower EIR, certified by the Planning Commission on May 24, 2012, Motion No. 18628, Case Nos. 2007.0558E and 2008.0789E; and

WHEREAS, On February 27, 2024, the Planning Department found the proposed vacation of the Vacation Area to be consistent with the General Plan and priority policies of the Planning Code Section 101.1 (Planning Department Case File No. 2023-010883GPR); and

WHEREAS, Pursuant to the California Streets and Highway Code, Public Works initiated the process to summarily vacate the Vacation Area; and

WHEREAS, Public Works sent notice of the proposed street vacation, draft SUR drawing, a copy of the petition letter, and a Public Works referral letter to AT&T, Sprint, Extenet Systems, Lumen Technologies, Point to Point, Century Link National, XO Communications, Verizon Business, ASG Inc., Pacific Gas and Electric, the San Francisco Fire Department, the San Francisco Municipal Transportation Agency, the San Francisco Public Works, the San Francisco Planning Department, and the San Francisco Public Utilities Commission. No public or private utility company or agency objected to the proposed vacation; consequently, Public Works finds the Vacation Area is unnecessary for the City's present or prospective public street purposes; and

WHEREAS, The public interest, convenience, and necessity require that no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in the Vacation Area, and that any rights based upon any such public or private utilities or facilities are unnecessary and should be extinguished; and

WHEREAS, The Director of Real Property found that the public benefit conferred by the proposed pedestrian bridge will be equal to or greater than the value of the subject airspace, and therefore, recommends that it is within the public interest to proceed with a quit claim of the City's interest in the Vacation Area for a nominal value, notwithstanding the requirements of Administrative Code Chapter 23. The Director of Real Property urges the Board to adopt this recommendation. A copy of the Director of Real Property's letter and a draft quitclaim deed are attached; and

WHEREAS, The Director acknowledges that it is policy matter for the Board of Supervisors to proceed with the street vacation and conveyance of the City's property under the terms identified in this Public Works Order.

**NOW THEREFORE BE IT ORDERED THAT,**

The Public Works Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to summarily vacate the Vacation Area
2. Vacation Area SUR Map No. 2024-001

The Director recommends that should the Board of Supervisors elect to proceed with the street vacation and sale of City property it should approve the legislation to summarily vacate the Vacation Area. The following additional document is attached:

1. February 27, 2024 Planning Department General Plan Referral letter
2. Letter from Director of Real Property to be delivered separately

The Director recommends that the vacation of the Vacation Area be conditioned upon the following restrictions:

1. Should the Board determine to quitclaim the City's interest in the Vacation Area, the City's interest should not be conveyed to any party other than the TJPA or its successor; provided, however, that the TJPA may assign or convey an easement in the Vacation Area to the owner of 530 Howard to construct a pedestrian bridge and create public access to the Rooftop Park; and
2. If the TJPA ever abandons the pedestrian bridge use of the Vacation Area, or does not complete construction of any portion of the pedestrian bridge within eight years of the operative date of the street vacation ordinance, or such later date as may be determined at the discretion of the

Public Works Director, the Public Works Director may terminate the vacation of the Vacation Area by written notice to the TJPA, upon which notice the Vacation Area shall revert back to the City in fee simple as public right-of-way in in furtherance of California Streets and Highways Code Section 8341.

The Director recommends the Board of Supervisors approve all other actions set forth herein with respect to this vacation. The Director further recommends that the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, 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 this Ordinance.

RECOMMENDED:

APPROVED:

X

DocuSigned by:  
*William E Blackwell Jr*  
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Blackwell, William  
Acting City and County Surveyor

X

DocuSigned by:  
*Carla Short*  
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Short, Carla  
Director of Public Works