



# SAN FRANCISCO 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  
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**ADOPTING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 FOR THE PROPOSED STREET VACATIONS 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"). 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

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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 4<sup>th</sup> 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 2<sup>nd</sup> Street; these ramps cross Harrison and 2<sup>nd</sup> 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 4<sup>th</sup>/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.

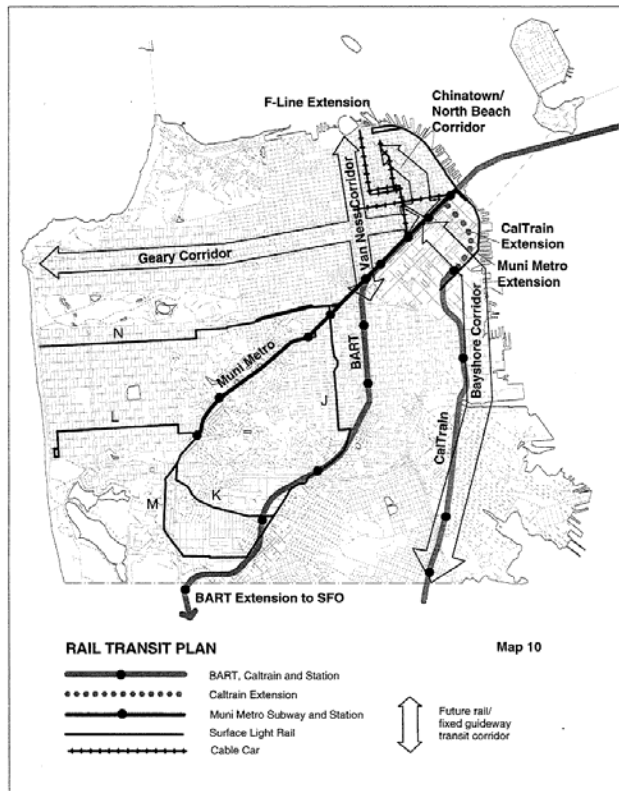
**Policy 4.6** Facilitate transfers between different transit modes and services by establishing simplified and coordinated fares and schedules, and by employing design and technology features to make transferring more convenient, and increasing accommodation of bicycles on transit.

*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 1<sup>st</sup>, 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 4<sup>th</sup>/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;

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(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

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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.*

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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