

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 14-15, 2019

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4c., Action Item

Prepared By: Jennifer S. Lowden, Chief  
Division of Right of Way and Land Surveys

Subject: **AIRSPACE LEASE - REQUEST TO APPROVE TERMS OF AIRSPACE LEASE WITH THE CITY OF SAN FRANCISCO**

### **ISSUE:**

Should the California Transportation Commission (Commission) approve a request by the California Department of Transportation (Department) to approve terms of an airspace lease with the City of San Francisco (City) for emergency temporary shelter and feeding program purposes, pursuant to Streets and Highways (S&H) Code Section 104.16?

### **RECOMMENDATION:**

The Department recommends that the Commission authorize the execution of an airspace lease for a homeless emergency shelter and feeding program, at a less than fair market lease rate, with the City pursuant to S&H Code Section 104.16 with a lease term not to exceed three years.

### **SUBJECT PROPERTY:**

The subject lease area, 04-SF-280-28 is an approximately 7,753 square foot (s.f.) irregularly shaped parcel; approximately half of the airspace parcel is under and adjacent to the elevated portion of Interstate 280, in the city of San Francisco, south of Evans Avenue.

**BACKGROUND:**

S&H Code Section 104.12(a) requires that any lease that the Department enters into be in accordance with Commission approval. Commission Resolution G-03-03, Section 2.1, states the Department is authorized to enter into leases with a public entity for a public purpose if the Department will receive a fair market lease rate for the property. However, S&H Code Section 104.16 allows the City to lease property from the Department at a rate of one dollar (\$1) per month, which is less than fair market value, for a temporary emergency shelter and feeding program

**EMERGENCY SHELTER AND FEEDING PROGRAM PROPOSAL:**

The City will install emergency shelters and other supporting improvements for the City's homeless residents. The lease states the City shall be required to maintain the site at a reasonable standard of cleanliness, and shall, at its own cost, keep the site free of all trash, weeds, debris, and flammable materials. The City is obligated to provide security and fire protection, maintain connections to the city's sewage and sanitation system plus necessary utilities (water and power) and to control stormwater runoff and the release of hazardous materials. The California Air Resources Board link for their residential air quality brochure will be provided to the City. All emergency sleeping shelters will be at least 20 feet outside of the bridge structure's dripline. The design plans and environmental documents will be reviewed and approved by the Department, State Fire Marshal, and Federal Highway Administration for compliance with all Federal, State and Local regulations, statutes and codes.

Lease Terms:

Term Length: Three Years  
Monthly Rent: \$1 per month  
Escalation and Re-Evaluation: None  
Annual Administration Fee: \$500

**SUMMARY:**

In accordance with S&H Code Section 104.16, it is in the State's best interest to lease airspace property to the City per the State statute for a temporary emergency shelter and feeding program on this specific site.

Attachments: Exhibit A: Right of Way Freeway Lease Area Map No.: 04-SF-280-28.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

# CITY OF SAN FRANCISCO

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

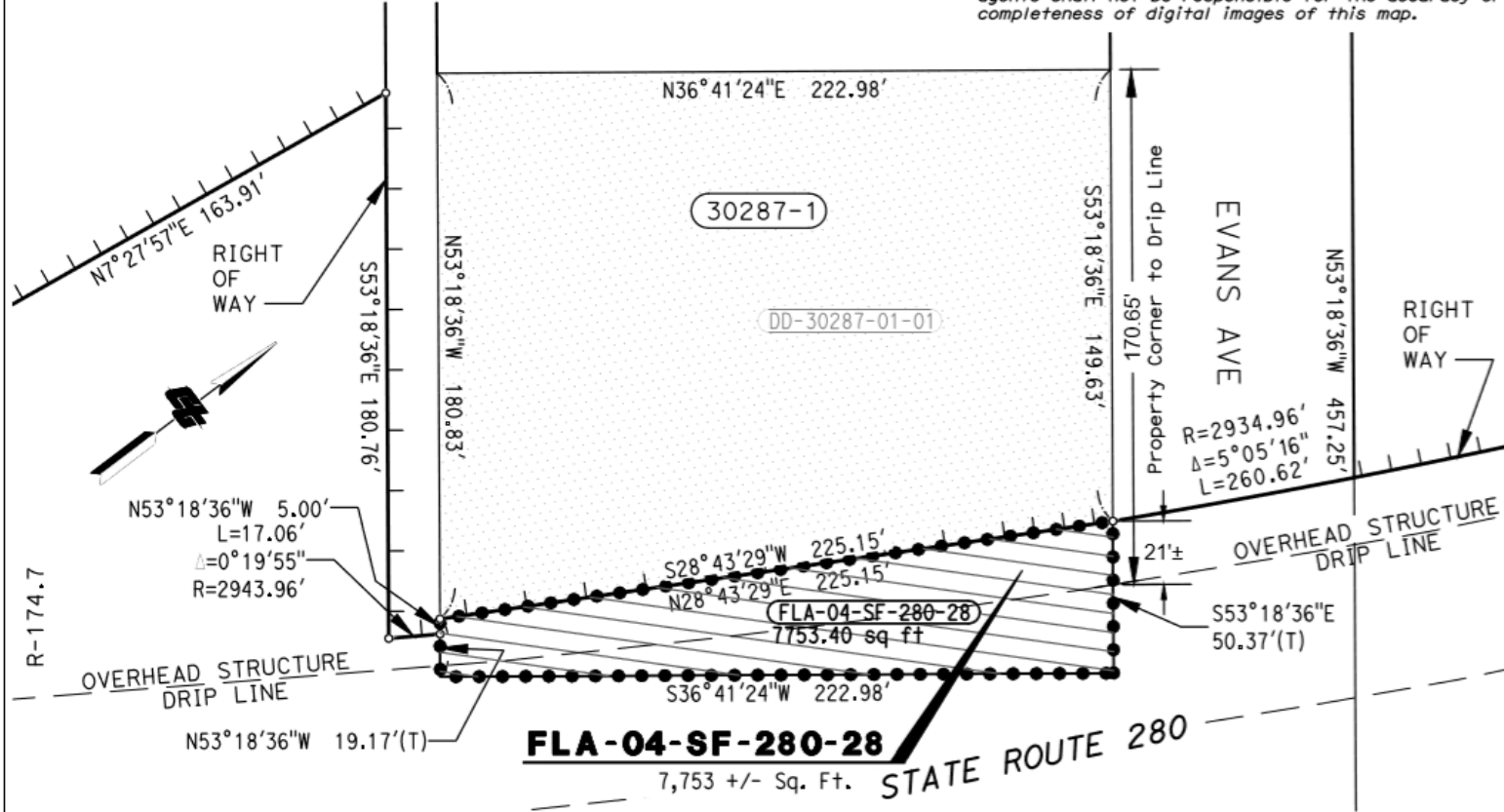


Exhibit A

<p><b>AREA VALUES</b></p> <table border="1"> <thead> <tr> <th>Parcel</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>FLA-04-SF-280-28 (2019)</td> <td>= 7,753 sq. ft.</td> </tr> <tr> <td>DD-30287-01-01 (2019)</td> <td>= 36,842 sq. ft.</td> </tr> <tr> <td>Total (2019)</td> <td>= 44,595 sq. ft.</td> </tr> </tbody> </table>	Parcel	Area	FLA-04-SF-280-28 (2019)	= 7,753 sq. ft.	DD-30287-01-01 (2019)	= 36,842 sq. ft.	Total (2019)	= 44,595 sq. ft.	<p><b>NOTES</b></p> <p>Coordinates and bearings are on CCS 1983, Zone III, Epoch 1991.35. Distances and stationing are grid distances. Multiply distances shown by 1.0000703 to obtain ground level distances. All distances are in feet unless otherwise noted.</p>	<p><b>LEGEND</b></p> <p>sf Square Feet          OSL OVERHEAD STRUCTURE LINE          (R) Radial Bearing   LEASE AREA   FREEWAY LEASE AREA   Freeway Access Control          O Dimension Point</p>	<p>STATE OF CALIFORNIA          CALIFORNIA STATE TRANSPORTATION AGENCY          DEPARTMENT OF TRANSPORTATION  <b>RIGHT OF WAY          FREEWAY LEASE AREA          FLA-04-SF-280-28 EXHIBIT          "A" (Supplemental)</b>          SCALE: 1" = 100'</p> <p>FEET 0 50 100 200</p> <table border="1"> <thead> <tr> <th>DRAFTED BY</th> <th>DATE</th> <th>DISTRICT</th> <th>COUNTY</th> <th>ROUTE</th> <th>SHEET PM</th> <th>SHEET NO.</th> <th>TOTAL SHEETS</th> </tr> </thead> <tbody> <tr> <td>JVB</td> <td>05/06/2019</td> <td>4</td> <td>SF</td> <td>280</td> <td>5.35</td> <td>2</td> <td>2b</td> </tr> </tbody> </table>	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	JVB	05/06/2019	4	SF	280	5.35	2	2b
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